

Calendar No. 420

104TH CONGRESS
2^D SESSION
H. R. 3259

AN ACT

To authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MAY 23, 1996

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1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Intelligence Authoriza-
3 tion Act for Fiscal Year 1997”.

4 **TITLE I—INTELLIGENCE**
5 **ACTIVITIES**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 1997 for the conduct of the intelligence and
9 intelligence-related activities of the following elements of
10 the United States Government:

11 (1) The Central Intelligence Agency.

12 (2) The Department of Defense.

13 (3) The Defense Intelligence Agency.

14 (4) The National Security Agency.

15 (5) The Department of the Army, the Depart-
16 ment of the Navy, and the Department of the Air
17 Force.

18 (6) The Department of State.

19 (7) The Department of the Treasury.

20 (8) The Department of Energy.

21 (9) The Federal Bureau of Investigation.

22 (10) The Drug Enforcement Administration.

23 (11) The National Reconnaissance Office.

24 (12) The Central Imagery Office.

1 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

2 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
3 CEILINGS.—The amounts authorized to be appropriated
4 under section 101, and the authorized personnel ceilings
5 as of September 30, 1997, for the conduct of the intel-
6 ligence and intelligence-related activities of the elements
7 listed in such section, are those specified in the Classified
8 Schedule of Authorizations prepared to accompany the bill
9 H.R. 3259 of the 104th Congress.

10 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
11 THORIZATIONS.—The Schedule of Authorizations shall be
12 made available to the Committees on Appropriations of
13 the Senate and House of Representatives and to the Presi-
14 dent. The President shall provide for suitable distribution
15 of the Schedule, or of appropriate portions of the Sched-
16 ule, within the executive branch.

17 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

18 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
19 proval of the Director of the Office of Management and
20 Budget, the Director of Central Intelligence may authorize
21 employment of civilian personnel in excess of the number
22 authorized for fiscal year 1997 under section 102 when
23 the Director of Central Intelligence determines that such
24 action is necessary to the performance of important intel-
25 ligence functions, except that the number of personnel em-
26 ployed in excess of the number authorized under such sec-

1 tion may not, for any element of the intelligence commu-
2 nity, exceed two percent of the number of civilian person-
3 nel authorized under such section for such element.

4 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
5 Director of Central Intelligence shall promptly notify the
6 Permanent Select Committee on Intelligence of the House
7 of Representatives and the Select Committee on Intel-
8 ligence of the Senate whenever he exercises the authority
9 granted by this section.

10 **SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated for the Intelligence Commu-
13 nity Management Account of the Director of Central Intel-
14 ligence for fiscal year 1997 the sum of \$93,616,000. With-
15 in such amounts authorized, funds identified in the classi-
16 fied Schedule of Authorizations referred to in section
17 102(a) for the Advanced Research and Development Com-
18 mittee shall remain available until September 30, 1998.

19 (b) AUTHORIZED PERSONNEL LEVELS.—The Com-
20 munity Management Staff of the Director of Central Intel-
21 ligence is authorized 273 full-time personnel as of Septem-
22 ber 30, 1997. Such personnel of the Community Manage-
23 ment Staff may be permanent employees of the Commu-
24 nity Management Staff or personnel detailed from other
25 elements of the United States Government.

1 (c) REIMBURSEMENT.—During fiscal year 1997, any
2 officer or employee of the United States or a member of
3 the Armed Forces who is detailed to the Community Man-
4 agement Staff from another element of the United States
5 Government shall be detailed on a reimbursable basis, ex-
6 cept that any such officer, employee or member may be
7 detailed on a nonreimbursable basis for a period of less
8 than one year for the performance of temporary functions
9 as required by the Director of Central Intelligence.

10 (d) DECLASSIFICATION.—In addition to amounts
11 otherwise authorized to be appropriated by this Act, there
12 is authorized to be appropriated \$12,500,000 for the Na-
13 tional Foreign Intelligence Program for the purposes of
14 carrying out the provisions of section 3.4 of Executive
15 Order 12958, dated April 17, 1995.

16 (e) NATIONAL DRUG INTELLIGENCE CENTER.—In
17 addition to amounts otherwise authorized to be appro-
18 priated by this Act, there is authorized to be appropriated
19 \$32,076,000 for the National Drug Intelligence Center lo-
20 cated in Johnstown, Pennsylvania. Amounts appropriated
21 for such center may not be used in contravention of the
22 provisions of section 103(d)(1) of the National Security
23 Act of 1947 (50 U.S.C. 403–3(d)(1)). The National Drug
24 Intelligence Center is authorized 35 full-time personnel as
25 of September 30, 1997.

1 (f) ENVIRONMENTAL PROGRAMS.—In addition to
2 amounts otherwise authorized to be appropriated by this
3 Act, there is authorized to be appropriated \$18,500,000
4 for the Environmental Intelligence and Applications Pro-
5 gram, formerly known as the Environmental Task Force,
6 to remain available until September 30, 1998.

7 **TITLE II—CENTRAL INTEL-**
8 **LIGENCE AGENCY RETIRE-**
9 **MENT AND DISABILITY SYS-**
10 **TEM**

11 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated for the
13 Central Intelligence Agency Retirement and Disability
14 Fund for fiscal year 1997 the sum of \$194,400,000.

15 **TITLE III—GENERAL**
16 **PROVISIONS**

17 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
18 **BENEFITS AUTHORIZED BY LAW.**

19 Appropriations authorized by this Act for salary, pay,
20 retirement, and other benefits for Federal employees may
21 be increased by such additional or supplemental amounts
22 as may be necessary for increases in such compensation
23 or benefits authorized by law.

1 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
2 **ACTIVITIES.**

3 The authorization of appropriations by this Act shall
4 not be deemed to constitute authority for the conduct of
5 any intelligence activity which is not otherwise authorized
6 by the Constitution or the laws of the United States.

7 **SEC. 303. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **AUTOMATIC DECLASSIFICATION OF**
9 **RECORDS OVER 25 YEARS OLD.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
11 307 of the Intelligence Authorization Act for Fiscal Year
12 1996 (109 Stat. 966) is amended by striking out “fiscal
13 year 1996 by this Act” in subsection (a) and inserting
14 in lieu thereof “any of the fiscal years 1996 through
15 2000”.

16 (b) **TRANSFERS.**—The second sentence of section
17 307(a) of the Intelligence Authorization Act for Fiscal
18 Year 1996 is amended to read as follows: “Within the
19 amount authorized to be used by this section, the Director,
20 consistent with his duty to protect intelligence sources and
21 methods, may transfer such amounts to the agencies with-
22 in the National Foreign Intelligence Program for the pur-
23 pose of automatic declassification of records over 25 years
24 old.”.

1 **SEC. 304. APPLICATION OF SANCTIONS LAWS TO INTEL-**
2 **LIGENCE ACTIVITIES.**

3 (a) EXTENSION.—Section 905 of the National Secu-
4 rity Act of 1947 (50 U.S.C. 441d) is amended by striking
5 out “on the date which is one year after the date of the
6 enactment of this title” and inserting in lieu thereof “on
7 January 6, 1998”.

8 (b) FORMAT AMENDMENTS.—Section 904 of such
9 Act (50 U.S.C. 441c) is amended by striking out “re-
10 quired to be imposed by” and all that follows and inserting
11 in lieu thereof “required to be imposed by any of the fol-
12 lowing provisions of law:

13 “(1) The Chemical and Biological Weapons
14 Control and Warfare Elimination Act of 1991 (title
15 III of Public Law 102–182).

16 “(2) The Nuclear Proliferation Prevention Act
17 of 1994 (title VIII of Public Law 103–236).

18 “(3) Section 11B of the Export Administration
19 Act of 1979 (50 U.S.C. App. 2410b).

20 “(4) Chapter 7 of the Arms Export Control Act
21 (22 U.S.C. 2797 et seq.).

22 “(5) The Iran-Iraq Arms Non-Proliferation Act
23 of 1992 (title XVI of Public Law 102–484).

24 “(6) The following provisions of annual appro-
25 priations Acts:

1 “(A) Section 573 of the Foreign Oper-
2 ations, Export Financing, and Related Pro-
3 grams Appropriations Act, 1994 (Public Law
4 103–87; 107 Stat. 972).

5 “(B) Section 563 of the Foreign Oper-
6 ations, Export Financing, and Related Pro-
7 grams Appropriations Act, 1995 (Public Law
8 103–306; 108 Stat. 1649).

9 “(C) Section 552 of the Foreign Oper-
10 ations, Export Financing, and Related Pro-
11 grams Appropriations Act, 1996 (Public Law
12 104–107; 110 Stat. 741).

13 “(7) Comparable provisions.”.

14 **SEC. 305. EXPEDITED NATURALIZATION.**

15 (a) IN GENERAL.—With the approval of the Director
16 of Central Intelligence, the Attorney General, and the
17 Commissioner of Immigration and Naturalization, an ap-
18 plicant described in subsection (b) and otherwise eligible
19 for naturalization may be naturalized without regard to
20 the residence and physical presence requirements of sec-
21 tion 316(a) of the Immigration and Nationality Act, or
22 to the prohibitions of section 313 of such Act, and no resi-
23 dence within a particular State or district of the Immigra-
24 tion and Naturalization Service in the United States shall
25 be required: *Provided*, That the applicant has resided con-

1 tinuously, after being lawfully admitted for permanent res-
2 idence, within the United States for at least one year prior
3 to naturalization: *Provided further*, That the provisions of
4 this section shall not apply to any alien described in sub-
5 paragraphs (A) through (D) of section 243(h)(2) of such
6 Act.

7 (b) ELIGIBLE APPLICANT.—An applicant eligible for
8 naturalization under this section is the spouse or child of
9 a deceased alien whose death resulted from the intentional
10 and unauthorized disclosure of classified information re-
11 garding the alien’s participation in the conduct of United
12 States intelligence activities.

13 (c) ADMINISTRATION OF OATH.—An applicant for
14 naturalization under this section may be administered the
15 oath of allegiance under section 337(a) of the Immigration
16 and Nationality Act by the Attorney General or any dis-
17 trict court of the United States, without regard to the resi-
18 dence of the applicant. Proceedings under this subsection
19 shall be conducted in a manner consistent with the protec-
20 tion of intelligence sources, methods, and activities.

21 (d) DEFINITIONS.—For purposes of this section—

22 (1) the term “child” means a child as defined
23 in subparagraphs (A) through (E) of section
24 101(b)(1) of the Immigration and Nationality Act,
25 without regard to age or marital status; and

1 (2) the term “spouse” means the wife or hus-
2 band of a deceased alien referred to in subsection
3 (b) who was married to such alien during the time
4 the alien participated in the conduct of United
5 States intelligence activities.

6 **SEC. 306. SEEKING ENFORCEMENT OF THE REQUIREMENT**
7 **TO PROTECT THE IDENTITIES OF UNDER-**
8 **COVER INTELLIGENCE OFFICERS, AGENTS,**
9 **INFORMANTS, AND SOURCES.**

10 It is the sense of the Congress that title VI of the
11 National Security Act of 1947 (50 U.S.C. 421 et seq.)
12 (relating to protection of the identities of undercover intel-
13 ligence officers, agents, informants, and sources) should
14 be enforced by the appropriate law enforcement agencies.

15 **SEC. 307. COMPLIANCE WITH BUY AMERICAN ACT.**

16 No funds appropriated pursuant to this Act may be
17 expended by an entity unless the entity agrees that in ex-
18 pending the assistance the entity will comply with sections
19 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-
20 10c, popularly known as the “Buy American Act”).

21 **SEC. 308. SENSE OF CONGRESS; REQUIREMENT REGARD-**
22 **ING NOTICE.**

23 (a) **PURCHASE OF AMERICAN-MADE EQUIPMENT**
24 **AND PRODUCTS.**—In the case of any equipment or prod-
25 ucts that may be authorized to be purchased with financial

1 assistance provided under this Act, it is the sense of the
2 Congress that entities receiving such assistance should, in
3 expending the assistance, purchase only American-made
4 equipment and products.

5 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
6 providing financial assistance under this Act, the head of
7 the appropriate element of the Intelligence Community
8 shall provide to each recipient of the assistance a notice
9 describing the statement made in subsection (a) by the
10 Congress.

11 **SEC. 309. PROHIBITION OF CONTRACTS.**

12 If it has been finally determined by a court or Federal
13 agency that any person intentionally affixed a fraudulent
14 label bearing a “Made in America” inscription, or any in-
15 scription with the same meaning, to any product sold in
16 or shipped to the United States that was not made in the
17 United States, such person shall be ineligible to receive
18 any contract or subcontract made with funds provided
19 pursuant to this Act, pursuant to the debarment, suspen-
20 sion, and ineligibility procedures described in sections
21 9.400 through 9.409 of title 48, Code of Federal Regula-
22 tions.

1 **SEC. 310. RESTRICTIONS ON INTELLIGENCE SHARING WITH**
2 **THE UNITED NATIONS.**

3 (a) IN GENERAL.—The National Security Act of
4 1947 (50 U.S.C. 401 et seq.) is amended by adding at
5 the end of title I the following new section:

6 “RESTRICTIONS ON INTELLIGENCE SHARING WITH THE
7 UNITED NATIONS

8 “SEC. 110. (a) PROVISION OF INTELLIGENCE INFOR-
9 MATION TO THE UNITED NATIONS.—(1) No United
10 States intelligence information may be provided to the
11 United Nations or any organization affiliated with the
12 United Nations, or to any officials or employees thereof,
13 unless the President certifies to the appropriate commit-
14 tees of Congress that the Director of Central Intelligence,
15 in consultation with the Secretary of State and the Sec-
16 retary of Defense, has established and implemented proce-
17 dures, and has worked with the United Nations to ensure
18 implementation of procedures, for protecting from unau-
19 thorized disclosure United States intelligence sources and
20 methods connected to such information.

21 “(2) Paragraph (1) may be waived upon written cer-
22 tification by the President to the appropriate committees
23 of Congress that providing such information to the United
24 Nations or an organization affiliated with the United Na-
25 tions, or to any officials or employees thereof, is in the
26 national security interests of the United States.

1 “(b) PERIODIC AND SPECIAL REPORTS.—(1) The
2 President shall report semiannually to the appropriate
3 committees of Congress on the types and volume of intel-
4 ligence provided to the United Nations and the purposes
5 for which it was provided during the period covered by
6 the report. The President shall also report to the appro-
7 priate committees of Congress within 15 days after it has
8 become known to the United States Government that
9 there has been an unauthorized disclosure of intelligence
10 provided by the United States to the United Nations.

11 “(2) The requirement for periodic reports under the
12 first sentence of paragraph (1) shall not apply to the pro-
13 vision of intelligence that is provided only to, and for the
14 use of, appropriately cleared United States Government
15 personnel serving with the United Nations.

16 “(c) DELEGATION OF DUTIES.—The President may
17 not delegate or assign the duties of the President under
18 this section.

19 “(d) RELATIONSHIP TO EXISTING LAW.—Nothing in
20 this section shall be construed to—

21 “(1) impair or otherwise affect the authority of
22 the Director of Central Intelligence to protect intel-
23 ligence sources and methods from unauthorized dis-
24 closure pursuant to section 103(c)(5); or

1 “(2) supersede or otherwise affect the provi-
2 sions of title V.

3 “(e) DEFINITION.—As used in this section, the term
4 ‘appropriate committees of Congress’ means the Commit-
5 tee on Foreign Relations and the Select Committee on In-
6 telligence of the Senate and the Committee on Foreign
7 Relations and the Permanent Select Committee on Intel-
8 ligence of the House of Representatives.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 for the National Security Act of 1947 is amended by in-
11 serting after the item relating to section 109 the following:

“Sec. 110. Restrictions on intelligence sharing with the United Nations.”.

12 **SEC. 311. PROHIBITION ON USING JOURNALISTS AS**
13 **AGENTS OR ASSETS.**

14 (a) POLICY.—It is the policy of the United States
15 that an element of the Intelligence Community may not
16 use as an agent or asset for the purposes of collecting in-
17 telligence any individual who—

18 (1) is authorized by contract or by the issuance
19 of press credentials to represent himself or herself,
20 either in the United States or abroad, as a cor-
21 respondent of a United States news media organiza-
22 tion; or

23 (2) is officially recognized by a foreign govern-
24 ment as a representative of a United States media
25 organization.

1 (b) WAIVER.—The President may waive subsection
2 (a) in the case of an individual if the President certifies
3 in writing that the waiver is necessary to address the over-
4 riding national security interest of the United States. The
5 certification shall be made to the Permanent Select Com-
6 mittee on Intelligence of the House of Representatives and
7 the Select Committee on Intelligence of the Senate.

8 (c) VOLUNTARY COOPERATION.—Subsection (a) shall
9 not be construed to prohibit the voluntary cooperation of
10 any person who is aware that the cooperation is being pro-
11 vided to an element of the United States Intelligence Com-
12 munity.

13 **TITLE IV—CENTRAL** 14 **INTELLIGENCE AGENCY**

15 **SEC. 401. MULTIYEAR LEASING AUTHORITY.**

16 Section 5(e) of the Central Intelligence Agency Act
17 of 1949 (50 U.S.C. 403f(e)) is amended to read as follows:

18 “(e) Subject to such amounts as may be provided in
19 advance in appropriations Acts, make alterations, im-
20 provements, and repairs on premises rented by the Agency
21 and, for the purpose of furthering the cost-efficient acqui-
22 sition of Agency facilities, enter into multiyear leases for
23 up to 15 years that are not otherwise authorized pursuant
24 to section 8 of this Act; and”.

1 **SEC. 402. ELIMINATION OF DOUBLE SURCHARGE ON THE**
2 **CENTRAL INTELLIGENCE AGENCY RELATING**
3 **TO EMPLOYEES WHO RETIRE OR RESIGN IN**
4 **FISCAL YEARS 1998 OR 1999 AND WHO RE-**
5 **CEIVE VOLUNTARY SEPARATION INCENTIVE**
6 **PAYMENTS.**

7 Section 2(i) of the Central Intelligence Agency Vol-
8 untary Separation Pay Act (50 U.S.C. 403–4 note) is
9 amended by adding at the end the following new sentence:
10 “The remittance required by this subsection shall be in
11 lieu of any remittance required by section 4(a) of the Fed-
12 eral Workforce Restructuring Act of 1994 (5 U.S.C. 8331
13 note).”.

14 **SEC. 403. IMPLEMENTATION OF INTELLIGENCE COMMU-**
15 **NITY PERSONNEL REFORMS.**

16 None of the amounts authorized to be appropriated
17 by this Act may be used to implement any Intelligence
18 Community personnel reform until the Permanent Select
19 Committee on Intelligence of the House of Representatives
20 and the Select Committee on Intelligence of the Senate
21 are fully briefed on such personnel reform.

1 **TITLE V—DEPARTMENT OF DE-**
2 **FENSE INTELLIGENCE AC-**
3 **TIVITIES**

4 **SEC. 501. STANDARDIZATION FOR CERTAIN DEPARTMENT**
5 **OF DEFENSE INTELLIGENCE AGENCIES OF**
6 **EXEMPTIONS FROM DISCLOSURE OF ORGANI-**
7 **ZATIONAL AND PERSONNEL INFORMATION.**

8 (a) CONSOLIDATION AND STANDARDIZATION.—
9 Chapter 21 of title 10, United States Code, is amended
10 by striking out sections 424 and 425 and inserting in lieu
11 thereof the following:

12 **“§ 424. Disclosure of organizational and personnel in-**
13 **formation: exemption for the Defense In-**
14 **telligence Agency and National Recon-**
15 **naissance Office**

16 “(a) EXEMPTION FROM DISCLOSURE.—Except as re-
17 quired by the President or as provided in subsection (b),
18 no provision of law shall be construed to require the disclo-
19 sure of—

20 “(1) the organization or any function of the De-
21 fense Intelligence Agency or the National Recon-
22 naissance Office; or

23 “(2) the number of persons employed by or as-
24 signed or detailed to that Agency or Office or the

1 name, official title, occupational series, grade, or sal-
2 ary of any such person.

3 “(b) PROVISION OF INFORMATION TO CONGRESS.—
4 Subsection (a) does not apply with respect to the provision
5 of information to Congress.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of subchapter I of such chapter is amend-
8 ed by striking out the items relating to sections 424 and
9 425 and inserting in lieu thereof the following:

“424. Disclosure of organizational and personnel information; exemption for the
Defense Intelligence Agency and National Reconnaissance
Office.”.

10 **SEC. 502. TIER III MINUS UNMANNED AERIAL VEHICLE.**

11 In addition to the amounts authorized to be appro-
12 priated by title I, there is authorized to be appropriated
13 an additional \$22,000,000 for the tier III minus un-
14 manned aerial vehicle. The Secretary of Defense may not
15 obligate or expend any of these funds until after the Sec-
16 retary submits to the Permanent Select Committee on In-
17 telligence of the House of Representatives and the Select
18 Committee on Intelligence of the Senate a detailed cost
19 analysis and report on specifically how these funds will
20 be used.

