

## INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992

NOVEMBER 18, 1991.—Ordered to be printed

Mr. McCURDY, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.R. 2038]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2038) to authorize appropriations for fiscal year 1992 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1992".*

### TITLE I—INTELLIGENCE ACTIVITIES

#### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

*Funds are hereby authorized to be appropriated for fiscal year 1992 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:*

- (1) The Central Intelligence Agency.*
- (2) The Department of Defense.*
- (3) The Defense Intelligence Agency.*
- (4) The National Security Agency.*
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.*

- (6) *The Department of State.*
- (7) *The Department of the Treasury.*
- (8) *The Department of Energy.*
- (9) *The Federal Bureau of Investigation.*
- (10) *The Drug Enforcement Administration.*

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

(a) **SPECIFICATION OF AMOUNTS AND PERSONNEL CEILINGS.**—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1992, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 2038 of the One Hundred Second Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

#### **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) **AUTHORITY FOR ADJUSTMENTS.**—The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1992 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under those sections for that element.

(b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by subsection (a).

### **TITLE II—INTELLIGENCE COMMUNITY STAFF**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1992 the sum of \$31,219,000, of which \$6,566,000 shall be available for the Security Evaluation Office and \$2,000,000 shall be available for the Foreign Language Committee of the Director of Central Intelligence.

#### **SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.**

(a) **AUTHORIZED PERSONNEL LEVEL.**—The Intelligence Community Staff is authorized 218 full-time personnel as of September 30, 1992, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office and 3 full-time personnel who are authorized to serve on the Foreign Language Committee of the Director of Central Intelligence. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) **REPRESENTATION OF INTELLIGENCE ELEMENTS.**—During fiscal year 1992, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) **REIMBURSEMENT.**—During fiscal year 1992, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

**SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.**

During fiscal year 1992, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

**TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM PROVISIONS**

**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATIONS.**—There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund \$164,100,000 for fiscal year 1992.

(b) **REFERENCES TO CIARDS ACT.**—Except as otherwise expressly provided, any amendment or repeal in this title shall be treated as being stated as an amendment or repeal to the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note).

**SEC. 302. SURVIVOR BENEFITS FOR CHILDREN WHO HAVE A SURVIVING PARENT.**

(a) **COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES.**—(1) Subsection (c) of section 221 is amended—

(A) in paragraph (1), by striking out “wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each” and inserting in lieu thereof “spouse or former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of each such surviving”; and

(B) in paragraph (2), by striking out “wife or husband but by a child or children, each surviving child shall be paid” and inserting in lieu thereof “spouse or former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of each such surviving child”.

(2) Subsection (d) of such section is redesignated as paragraph (3) of subsection (c) and as so redesignated is amended to read as follows:

"(3) On the death of a surviving spouse or former spouse or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the annuitant. If the annuity of a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities of all currently eligible children were then being initiated."

(3) Subsection (c) of such section is further amended by adding at the end the following new paragraph:

"(4) For purposes of this subsection, the term 'former spouse' includes any former wife or husband of the annuitant, regardless of the length of marriage or the amount of creditable service completed by the annuitant."

(4) Subsection (e) of such section is redesignated as subsection (d) and is amended by striking out "under paragraph (c) or (d) of this section, or (c) or (d)" and inserting in lieu thereof "under paragraph (1) or (2) of subsection (c) of this section, or subsection (c) or (d)".

(b) **DEATH IN SERVICE.**—(1) Subsection (c) of section 232 is amended—

(A) by striking out "wife or a husband and a child or children, each" and inserting in lieu thereof "spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, each such";

(B) by striking out "section 221(c)(1)" and inserting in lieu thereof "subsections (c)(1) and (c)(3) of section 221"; and

(C) by striking out the last sentence.

(2) Subsection (d) of such section is amended—

(A) by striking out "wife or husband, but by a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221(c)(2)" and inserting in lieu thereof "subsections (c)(2) and (c)(3) of section 221"; and

(C) by striking out the last sentence.

(3) Such section is further amended by adding at the end the following new subsection:

"(e) For purposes of subsections (c) and (d), the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant."

(c) **CONFORMING CROSS-REFERENCE AMENDMENTS.**—(1) Sections 204(b)(3), 232(c), and 232(d) are amended by striking out "section 221(e)" and inserting in lieu thereof "section 221(d)".

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act and shall apply with respect to annuities payable to children by reason of the death of a participant or annuitant on or after that date.

#### **SEC. 303. 18-MONTH PERIOD TO ELECT A SURVIVOR ANNUITY.**

(a) **ESTABLISHMENT OF PERIOD AFTER RETIREMENT TO MAKE ELECTION.**—Section 221 is amended—

(1) by redesignating the second subsection (p) as subsection (r); and

(2) by inserting before that subsection the following new subsection:

“(q)(1)(A) A participant or former participant—

“(i) who, at the time of retirement, is married, and

“(ii) who elects at that time (in accordance with subsection

(b)) to waive a survivor annuity for the spouse,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for that spouse of the participant.

“(B) A participant or former participant—

“(i) who, at the time of retirement, is married, and

“(ii) who, at that time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

“(2)(A) An election under subparagraph (A) or (B) of paragraph (1) shall not be considered effective unless the amount specified in subparagraph (B) is deposited into the fund before the expiration of the applicable 18-month period under paragraph (1).

“(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

“(i) the additional cost to the system which is associated with providing a survivor annuity under subsection (b) and results from such election, taking into account (I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing for the later election; and

“(ii) interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

“(3) An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

“(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

“(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the participant involved elected such annuity at the time of retiring.

*"(6) The Director shall, on an annual basis, inform each participant or former participant who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable to such election."*

*(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.*

*(2)(A) The amendment made by subsection (a)(2) shall apply with respect to participants and former participants regardless of whether they retire before, on, or after the effective date specified in paragraph (1), except that paragraph (1)(A) of section 221(q) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as added by subsection (a)(2)) shall apply only with respect to participants who retire on or after that effective date.*

*(B) In applying the provisions of paragraph (1)(B) of section 221(q) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as added by subsection (a)(2)) to a participant or former participant who retires before the effective date specified in paragraph (1)—*

*(i) the 18-month period referred to in that paragraph shall be considered to begin on the effective date specified in paragraph (1); and*

*(ii) the amount referred to in paragraph (2) of that section (as added by subsection (a)(2)) shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).*

#### **SEC. 304. WAIVER OF THIRTY-MONTH APPLICATION REQUIREMENT.**

*Section 224(c)(2)(A) is amended—*

*(1) by striking out "require within thirty months after the effective date of this section." and inserting in lieu thereof "require. Any such application and documentation shall be submitted not later than April 1, 1989."; and*

*(2) by adding at the end the following new sentence: "The Director may waive the deadline in the preceding sentence for submission of an application and supporting documentation under this subparagraph in any case in which the Director determines that the circumstances warrant such a waiver."*

#### **SEC. 305. DISCRETIONARY AUTHORITY FOR PAYMENT OF EXPENSES OF DISABILITY EXAMS FROM CIARDS FUND.**

*Section 231(b)(1) is amended by striking out "shall" in the sixth sentence and inserting in lieu thereof "may".*

#### **SEC. 306. TECHNICAL CORRECTIONS TO PROVISIONS RELATING TO PREVIOUS SPOUSES OF CIARDS PARTICIPANTS.**

*(a) SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.—Subsection (a) of section 226 is amended—*

*(1) by striking out "whose retirement or disability or FECA (chapter 81 of title 5, United States Code) annuity commences after the effective date of this section";*

*(2) by striking out "applicable to spouses" and inserting in lieu thereof "applicable to former spouses (as defined in section 8331(23) of title 5, United States Code)"; and*

*(3) by striking out "married for at least nine months with service creditable under section 8332 of title 5, United States*

Code" and inserting in lieu thereof "as prescribed by the Civil Service Retirement Spouse Equity Act of 1984".

(b) **DATE REFERENCE CHANGES.**—Such section is further amended—

(1) by striking out "divorced after the effective date of this section" in subsection (a) and inserting in lieu thereof "divorced after September 29, 1988,";

(2) by striking out "within two years after the effective date of this section" in subsection (b) and inserting in lieu thereof "not later than September 29, 1990"; and

(3) by striking out subsection (d).

(c) **EFFECTIVE DATES.**—(1) The amendment made by subsection (a)(1) shall be deemed to have become effective as of September 30, 1990, and shall apply in the case of annuitants whose divorce occurs on or after that date.

(2) The amendments made by subsections (a)(2) and (a)(3) shall be deemed to have become effective as of September 29, 1988.

**SEC. 307. TECHNICAL CORRECTION TO CIARDS MANDATORY RETIREMENT PROVISION.**

Section 235(b) is amended—

(1) in the first sentence, by striking out "grade GS-18 or above" and inserting in lieu thereof "level 4 or above of the Senior Intelligence Service pay schedule"; and

(2) in the second sentence, by striking out "less than grade GS-18" and inserting in lieu thereof "less than that of level 4 of the Senior Intelligence Service pay schedule".

**SEC. 308. EXCLUSION OF CIA FOREIGN NATIONAL EMPLOYEES FROM PARTICIPATION IN THRIFT SAVINGS PLAN.**

(a) **PARTICIPATION IN THE THRIFT SAVINGS PLAN.**—Section 8351 of title 5, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) A foreign national employee of the Central Intelligence Agency whose services are performed outside the United States shall be ineligible to make an election under this section."

(b) **EFFECTIVE DATE.**—(1) The amendment made by subsection (a) shall take effect as of January 1, 1987.

(2) Any refund which becomes payable as a result of the effective date specified in paragraph (1) shall, to the extent that that refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

**SEC. 309. CLARIFICATION OF QUALIFIED FORMER SPOUSE PROVISIONS UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM.**

(a) **SPECIAL RULES FOR FORMER SPOUSES.**—Section 304 is amended by adding at the end the following new subsection:

"(h)(1) Except as provided in paragraph (2) in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 shall apply to such employee's former spouse (as defined in section 204(b)(4)) who would otherwise be eligible for benefits under such sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purpose of computing such former spouse's benefits under sections 224 and 225—

"(A) the retirement benefits shall be equal to 50 percent of the employee's annuity under subchapter III of chapter 83 of such title, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund."

(b) **EFFECTIVE DATE.**—Subsection (h) of section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as added by subsection (a), shall be deemed to have become effective as of December 2, 1987.

#### **SEC. 310. ELIMINATION OF OVERSEAS SERVICE REQUIREMENT FOR FORMER SPOUSES.**

(a) **ELIGIBILITY.**—Section 204(b)(4) is amended by striking out "at least five years" and all that follows through the period and inserting in lieu thereof "at least five years of which were spent by the participant outside the United States during the participant's service as an employee of the Agency or otherwise in a position the duties of which qualified the participant for designation by the Director as a participant pursuant to section 203."

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply only to a former husband or wife of a participant or former participant whose divorce from the participant or former participant becomes final after the date of the enactment of this Act.

### **TITLE IV—GENERAL PROVISIONS**

#### **SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

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

#### **SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

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

#### **SEC. 403. INTELLIGENCE COMMUNITY CONTRACTING.**

The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the oper-



ational and security concerns related to the conduct of intelligence activities, and where fiscally sound, shall award contracts in a manner that would maximize the procurement of products in the United States. For purposes of this provision, the term "Intelligence Community" has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.

**SEC. 404. RATE OF BASIC PAY FOR CIA INSPECTOR GENERAL.**

Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Inspector General, Central Intelligence Agency".

**SEC. 405. TRANSPORTATION OF REMAINS OF CERTAIN NSA EMPLOYEES.**

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section.

"SEC. 17. (a) The Secretary of Defense may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the National Security Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

"(b) For the purposes of this section, the term 'rotational tour of duty', with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters."

**SEC. 406. REPORT CONCERNING CERTAIN UNITED STATES PERSONNEL CLASSIFIED AS PRISONER OF WAR OR MISSING IN ACTION DURING WORLD WAR II OR THE KOREAN CONFLICT.**

(a) **REPORT.**—The Secretary of Defense shall submit to the Select Committee on POW/MIA Affairs and the Committee on Armed Services of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report which sets forth the following:

(1) The number of members of the Armed Forces or civilian employees of the United States who remain unaccounted for as a result of military actions during World War II or the Korean conflict.

(2) A description of the nature and location of any military records which pertain to those individuals, including the extent to which those records are available to family members or members of the public and the process by which access to those records may be obtained.

(3) An identification and description of any military records (including the location of such records) pertaining to those individuals that are not available to family members or members of the public and a statement explaining why those records are not available to family members or the public.

(4) An assessment of the feasibility and costs of identifying, segregating, and relocating all such records to a central location within the United States, including an estimate of the percentage of those records regarding such individuals that are currently maintained by the Department of Defense.

(b) **DEADLINE FOR REPORT.**—The report under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

## **TITLE V—FEDERAL BUREAU OF INVESTIGATION PROVISIONS**

### **SEC. 501. FBI CRITICAL SKILLS SCHOLARSHIP PROGRAM.**

(a) **STUDY.**—The Director of the Federal Bureau of Investigation shall conduct a study relative to the establishment of an undergraduate training program with respect to employees of the Federal Bureau of Investigation that is similar in purpose, conditions, content, and administration to undergraduate training programs administered by the Central Intelligence Agency (under section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j)), the National Security Agency (under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 (note))), and the Defense Intelligence Agency (under section 1608 of title 10, United States Code).

(b) **IMPLEMENTATION.**—Any program proposed under subsection (a) may be implemented only after the Department of Justice and the Office of Management and Budget review and approve the implementation of such program.

(c) **AVAILABILITY OF FUNDS.**—Any payment made by the Director of the Federal Bureau of Investigation to carry out any program proposed to be established under subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.

## **TITLE VI—CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN**

### **SEC. 601. CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN.**

(a) **FUNDING LIMITATION.**—Of the amount authorized by this Act for the Central Intelligence Agency Program, not more than \$10,000,000 is authorized for costs associated with the land acquisition and related expenditures necessary to implement a plan for consolidation of Central Intelligence Agency facilities. None of such funds may be obligated to implement such plan until all of the conditions set forth in subsection (d) have been met and (except as provided in subsection (c)) a period of 60 days beginning on the date on which all of such conditions have been met has expired. Any certification or report required under that subsection shall be provided in writing to the intelligence committees and the appropriations committees. If any of the required certifications cannot be provided, then the Director of Central Intelligence shall reopen the planning process with respect to the consolidation plan to the extent required to address any procedures that were determined to be deficient.

(b) **ADDITIONAL FUNDING.**—Pursuant to the procedures set forth in the joint explanatory statement of managers to accompany the conference report on the bill H.R. 2038 of the 102d Congress, an amount not to exceed \$20,000,000 is authorized and may be made available if the Director determines that funds in addition to the amount specified in subsection (a) are required during fiscal year 1992 for costs associated with the land acquisition and related expenditures necessary to implement the consolidation plan.

(c) **LIMITED WAIVER OF 60-DAY REVIEW PERIOD.**—The Director may spend not to exceed \$500,000 of the funds specified in subsection (a) for options and agreements to ensure the continued availability of property under consideration for the consolidation plan without regard to the 60-day period specified in subsection (a).

(d) **CONDITIONS.**—The following conditions and certifications must be met before the funds specified in subsection (a) may be obligated:

(1) The Director of Central Intelligence has certified—

(A) that with respect to procedures governing land acquisition by the Central Intelligence Agency—

(i) there are written procedures for such acquisition currently in effect;

(ii) those procedures are consistent with land acquisition procedures of the General Services Administration; and

(iii) the process used by the Central Intelligence Agency in developing the consolidation plan was in accordance with those written procedures; and

(B) that with respect to contracts of the Agency for construction and for the acquisition of movable property, equipment, and services, the procedures of the Agency are consistent with procedures under the Federal Acquisition Regulation.

(2) The Administrator of General Services has provided a written report stating that in the opinion of the Administrator (A) implementing the consolidation plan will result in cost savings to the United States Government, and (B) the consolidation plan will conform to applicable local governmental regulations.

(3) The Director of the Office of Management and Budget has certified—

(A) that the consolidation plan (and associated costs) have been reviewed by the Office of Management and Budget;

(B) that the funding for such plan is consistent with the 1990 budget agreement; and

(C) that funding for such plan has been approved by the Administration for fiscal year 1992.

(4) The Inspector General of the Central Intelligence Agency has certified that corrective actions, if any, recommended as a result of the Inspector General's inquiry into the consolidation plan, and concurred in by the Director of Central Intelligence, will be implemented.

(5) The Director of Central Intelligence has provided to the intelligence committees and appropriations committees a written report on the consolidation plan that includes—

(A) a comprehensive site evaluation, including zoning, site engineering, and environmental requirements, logistics, physical and technical security, and communications compatibility;

(B) a description of the anticipated effect of implementing the consolidation plan on personnel of the Central Intelligence Agency, including a discussion of the organizations and personnel that will be relocated and the rationale

for such relocations and the Director's assurance that personnel are consulted and considered in the consolidation effort; and

(C) the Director's assurances that the Director, in evaluating and approving the plan, has considered global changes and budget constraints that may have the effect of reducing Central Intelligence Agency personnel requirements in the future.

(e) **DEFINITIONS.**—For purposes of this section:

(1) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "appropriations committees" means the Committees on Appropriations of the Senate and the House of Representatives.

## **TITLE VII—BUDGET TOTAL FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES**

### **SEC. 701. SENSE OF CONGRESS REGARDING DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.**

It is the sense of Congress that, beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner.

## **TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS**

### **SEC. 801. SHORT TITLE, FINDINGS, AND PURPOSES.**

(a) **SHORT TITLE.**—This title may be cited as the "National Security Education Act of 1991".

(b) **FINDINGS.**—The Congress makes the following findings:

(1) The security of the United States is and will continue to depend on the ability of the United States to exercise international leadership.

(2) The ability of the United States to exercise international leadership is, and will increasingly continue to be, based on the political and economic strength of the United States, as well as on United States military strength around the world.

(3) Recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased.

(4) The future national security and economic well-being of the United States will depend substantially on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries.

(5) The Federal Government has an interest in ensuring that the employees of its departments and agencies with national security responsibilities are prepared to meet the challenges of this changing international environment.

(6) The Federal Government also has an interest in taking actions to alleviate the problem of American undergraduate and

graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations.

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet those challenges.

(c) **PURPOSES.**—The purposes of this title are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign languages, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the departments and agencies of the United States Government with national security responsibilities.

(4) To expand, in conjunction with other Federal programs, the international experience, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

#### **SEC. 802. SCHOLARSHIP, FELLOWSHIP, AND GRANT PROGRAM.**

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall carry out a program for—

(A) awarding scholarships to undergraduate students who are United States citizens in order to enable such students to study, for at least one academic semester, in foreign countries that are critical countries (as determined under section 803(d)(4)(A));

(B) awarding fellowships to graduate students who—

(i) are United States citizens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of those disciplines (as determined under section 803(d)(4)(B)); and

(ii) pursuant to subsection (b)(2), enter into an agreement to work for an agency or office of the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, or improve programs in foreign languages, area studies, and other international fields that are critical areas of those disciplines (as determined under section 803(d)(4)(C)).

(2) **FUNDING ALLOCATIONS.**—Of the amount available for obligation out of the National Security Education Trust Fund for any fiscal year for the purposes stated in paragraph (1), the Secretary shall have a goal of allocating—

(A)  $\frac{1}{3}$  of such amount for the awarding of scholarships pursuant to paragraph (1)(A);

(B)  $\frac{1}{3}$  of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

(C)  $\frac{1}{3}$  of such amount for the awarding of grants pursuant to paragraph (1)(C).

(3) **CONSULTATION WITH NATIONAL SECURITY EDUCATION BOARD.**—The program required under this title shall be carried out in consultation with the National Security Education Board established under section 803.

(4) **CONTRACT AUTHORITY.**—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in paragraph (1) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

(b) **SERVICE AGREEMENT.**—In awarding a scholarship or fellowship under the program, the Secretary or contract organization referred to in subsection (a)(4), as the case may be, shall require a recipient of any fellowship, or of scholarships that provide assistance for periods that aggregate 12 months or more, to enter into an agreement that, in return for such assistance, the recipient—

(1) will maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary, and agrees that failure to maintain such progress shall constitute grounds upon which the Secretary or contract organization referred to in subsection (a)(4) may terminate such assistance;

(2) will, upon completion of such recipient's baccalaureate degree or education under the program, as the case may be, and in accordance with regulations issued by the Secretary, work for the Federal Government or in the field of education in the area of study for which the scholarship or fellowship was awarded for a period specified by the Secretary, which period for the recipients of scholarships shall be no more than the same period for which scholarship assistance was provided and for the recipients of fellowships shall be not less than one and not more than three times the period for which the fellowship assistance was provided; and

(3) if the recipient fails to meet either of the obligations set forth in paragraph (1) or (2), will reimburse the United States Government for the amount of the assistance provided the recipient under the program, together with interest at a rate determined in accordance with regulations issued by the Secretary.

(c) **DISTRIBUTION OF ASSISTANCE.**—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (a)(4), as the case may be, shall take into consideration (1) the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States, and (2) the extent to which the distribution of scholarships and fellowships to individuals reflects the cultural, racial, and ethnic diversity of the population of the United States.

(d) **MERIT REVIEW.**—The Secretary shall award scholarships, fellowships, and grants under the program based upon a merit review process.

(e) **ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.**—The Secretary shall administer the program through the Defense Intelligence College.

(f) **LIMITATION ON USE OF PROGRAM PARTICIPANTS.**—No person who receives a grant, scholarship, or fellowship or any other type of assistance under this title shall, as a condition of receiving such assistance or under any other circumstances, be used by any department, agency, or entity of the United States Government engaged in intelligence activities to undertake any activity on its behalf during the period such person is pursuing a program of education for which funds are provided under the program carried out under this title.

### **SEC. 803. NATIONAL SECURITY EDUCATION BOARD.**

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a National Security Education Board.

(b) **COMPOSITION.**—The Board shall be composed of the following individuals or the representatives of such individuals:

(1) The Secretary of Defense, who shall serve as the chairman of the Board.

(2) The Secretary of Education.

(3) The Secretary of State.

(4) The Secretary of Commerce.

(5) The Director of Central Intelligence.

(6) The Director of the United States Information Agency.

(7) Four individuals appointed by the President, by and with the advice and consent of the Senate, who shall be experts in the fields of international, language, and area studies education.

(c) **TERM OF APPOINTEES.**—Each individual appointed to the Board pursuant to subsection (b)(7) shall be appointed for a period specified by the President at the time of the appointment, but not to exceed four years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

(d) **FUNCTIONS.**—The Board shall perform the following functions:

(1) Develop criteria for awarding scholarships, fellowships, and grants under this title.

(2) Provide for wide dissemination of information regarding the activities assisted under this title.

(3) Establish qualifications for students desiring scholarships or fellowships, and institutions of higher education desiring grants, under this title, including, in the case of students desiring a scholarship or fellowship, a requirement that the student have a demonstrated commitment to the study of the discipline for which the scholarship or fellowship is to be awarded.

(4) Make recommendations to the Secretary regarding—

(A) which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

(B) which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within those disciplines for the purposes of that section;

(C) which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within those disciplines for the purposes of that section; and

(D) how students desiring scholarships or fellowships can be encouraged to work for an agency or office of the Federal Government involved in national security affairs or national security policy upon completion of their education.

(5) Review the administration of the program required under this title.

**SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.**

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a trust fund to be known as the "National Security Education Trust Fund". The assets of the Fund consist of amounts appropriated to the Fund and amounts credited to the Fund under subsection (e).

(b) **AVAILABILITY OF SUMS IN THE FUND.**—(1) Sums in the Fund shall, to the extent provided in appropriations Acts, be available—

(A) for awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

(B) for properly allocable costs of the Federal Government for the administration of the program under this title.

(2) No amount may be appropriated to the Fund, or obligated from the Fund, unless authorized by law.

(c) **INVESTMENT OF FUND ASSETS.**—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately necessary for obligation. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of  $\frac{1}{8}$  of 1 percent, the rate of interest of such special obligations shall be the multiple of  $\frac{1}{8}$  of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest



by the United States or original issue or at the market price, is not in the public interest.

(d) **AUTHORITY TO SELL OBLIGATIONS.**—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(e) **AMOUNTS CREDITED TO FUND.**—(1) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(2) Any amount paid to the United States under section 802(b)(3) shall be credited to and form a part of the Fund.

#### **SEC. 805. REGULATIONS AND ADMINISTRATIVE PROVISIONS**

(a) **REGULATIONS.**—The Secretary may prescribe regulations to carry out the program required by this title. Before prescribing any such regulations, the Secretary shall submit a copy of the proposed regulations to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Such proposed regulations may not take effect until 30 days after the date on which they are submitted to those committees.

(b) **ACCEPTANCE AND USE OF GIFTS.**—In order to conduct the program required by this title, the Secretary may—

(1) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title; and

(2) may use, sell, or otherwise dispose of such property for that purpose.

(c) **VOLUNTARY SERVICES.**—In order to conduct the program required by this title, the Secretary may accept and use the services of voluntary and noncompensated personnel.

(d) **NECESSARY EXPENDITURES.**—Expenditures necessary to conduct the program required by this title shall be paid from the Fund, subject to section 804(b).

#### **SEC. 806. ANNUAL REPORT.**

(a) **ANNUAL REPORT.**—The Secretary shall submit to the President and to the Congress an annual report of the conduct of the program required by this title. The report shall be submitted each year at the time that the President's budget for the next fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code.

(b) **CONTENTS OF REPORT.**—Each such report shall contain—

(1) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

(2) the effect on those trends of activities under the program required by this title;

(3) an analysis of the assistance provided under the program for the previous fiscal year, to include the subject areas being addressed and the nature of the assistance provided;

(4) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, to include the degree to which assistance was terminated

*under the program and the extent to which individual recipients failed to meet their obligations under the program;*

*(5) an analysis of the results of the program for the previous fiscal year, and cumulatively, to include, at a minimum—*

*(A) the percentage of individuals who have received assistance under the program who subsequently became employees of the United States Government;*

*(B) in the case of individuals who did not subsequently become employees of the United States Government, an analysis of the reasons why they did not become employees and an explanation as to what use, if any, was made of the assistance by those recipients; and*

*(C) the uses made of grants to educational institutions; and*

*(6) any legislative changes recommended by the Secretary to facilitate the administration of the program or otherwise to enhance its objectives.*

*(c) SUBMISSION OF INITIAL REPORT.—The first report under this section shall be submitted at the time the budget for fiscal year 1994 is submitted to Congress.*

#### **SEC. 807. GENERAL ACCOUNTING OFFICE AUDITS.**

*The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.*

#### **SEC. 808. DEFINITIONS.**

*For the purpose of this title:*

*(1) The term "Board" means the National Security Education Board established pursuant to section 803.*

*(2) The term "Fund" means the National Security Education Trust Fund established pursuant to section 804.*

*(3) The term "institution of higher education" has the meaning given that term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).*

#### **SEC. 809. FISCAL YEAR 1992 FUNDING.**

*(a) AUTHORIZATION OF APPROPRIATIONS TO THE FUND.—There is hereby authorized to be appropriated to the Fund for fiscal year 1992 the sum of \$150,000,000.*

*(b) AUTHORIZATION OF OBLIGATIONS FROM THE FUND.—During fiscal year 1992, there may be obligated from the Fund such amounts as may be provided in appropriations Acts, not to exceed \$35,000,000. Amounts made available for obligation from the Fund for fiscal year 1992 shall remain available until expended.*

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

DAVE MCCURDY,  
CHARLES WILSON,  
BARBARA B. KENNELLY,  
DAN GLICKMAN,  
NICHOLAS MAVROULES,  
BILL RICHARDSON,  
STEPHEN J. SOLARZ,  
NORMAN DICKS,  
RONALD V. DELLUMS,  
DAVID BONIOR,  
MARTIN OLAV SABO,  
WAYNE OWENS,  
BUD SHUSTER

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

LARRY COMBEST

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

DOUGLAS BEREUTER

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

ROBERT K. DORNAN

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

C.W. BILL YOUNG

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

DAVID O'B. MARTIN

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

GEORGE W. GEKAS

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

As additional conferees from the Committee on Armed Services, for consideration of matters within the jurisdiction of that committee under clause 1(c) of rule X:

LES ASPIN,  
IKE SKELTON,  
WILLIAM L. DICKINSON,

As additional conferees from the Committee on Education and Labor, for consideration of title VII of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,  
PAT WILLIAMS,  
CHARLES A. HAYES,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of titles III (except section 301) and VI of the Senate amendment, and modifications committed to conference:

WILLIAM L. CLAY,  
GERRY SIKORSKI,  
GARY L. ACKERMAN,  
BENJAMIN A. GILMAN,  
JOHN MYERS,

*Managers on the Part of the House.*

DAVID L. BOREN,  
SAM NUNN,  
FRITZ HOLLINGS,  
BILL BRADLEY,  
ALAN CRANSTON,  
DENNIS DECONCINI,  
HOWARD M. METZENBAUM,  
JOHN GLENN,  
FRANK H. MURKOWSKI,  
JOHN W. WARNER,  
ALFONSE D'AMATO,  
JOHN C. DANFORTH,  
WARREN RUDMAN,  
SLADE GORTON,  
JOHN H. CHAFEE,

From the Committee on Armed Services:

J. JAMES EXON,  
STROM THURMOND,

*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2038) to authorize appropriations for fiscal year 1992 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

### TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD intelligence related activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Senate, and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act for Fiscal Years 1992 and 1993. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex,

for TIARA programs which fall into the appropriation category of Military Pay.

#### SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1992 and establish personnel ceilings applicable to such activities.

#### SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances. Section 103 of the conference report is identical to section 103 of the House bill and section 103 of the Senate amendment.

The conferees emphasize that the authority conveyed by section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

#### TITLE II—INTELLIGENCE COMMUNITY STAFF

Title II of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1992 for the Intelligence Community Staff and provides for administration of the staff during fiscal year 1992 in the same manner as the Central Intelligence Agency. The conference report authorizes \$31,219,000 and 218 personnel. Included in the funds authorized for the Intelligence Community Staff are \$6,566,000 and 50 personnel for the Security Evaluation Office (SEO), and \$2,000,000 and 3 personnel to provide a full-time staff and an operational budget for the Director of Central Intelligence's Foreign Language Committee. The House bill authorized \$30,719,000 and 213 personnel. The Senate amendment authorized \$28,832,000 and 240 personnel.

The conferees agreed to a net reduction of 22 personnel in the Intelligence Community Staff to underscore their belief that the current structure and activities of the Staff cannot justify the requested personnel levels. If the Director of Central Intelligence concludes that coordination of issues across the intelligence community should be performed by an Intelligence Community Staff with strengthened authority, the conferees expect that the fiscal year 1993 budget request will reflect a clear basis for that conclusion.

### TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

#### SECTION 301

Section 301 of the conference report authorizes appropriations for fiscal year 1992 of \$164,100,000 for the Central Intelligence Agency Retirement and Disability Fund. Both Section 301 of the House bill and Section 301 of the Senate amendment authorized \$164,100,000.

Section 301 also clarifies that, except as otherwise expressly provided, any amendment or repeal in Title III of the conference report shall be treated as being an amendment or repeal to the Central Intelligence Agency Retirement and Disability Act of 1964 for Certain Employees (50 U.S.C. 403 note).

The conferees intend to review in 1992 the entire Central Intelligence Agency Retirement Act of 1964 for Certain Employees to amend those provisions of the Act which have been subject to executive order since January 1, 1975 and to make other technical corrections. Therefore, the conferees direct the Central Intelligence Agency to undertake a systematic review of the Act and to submit to the intelligence committees by February 1, 1992, a comprehensive proposal to bring greater clarity and consistency to the Act.

#### SECTION 302

Section 302 of the Senate amendment amended subsections (c), (d) and (e) of Section 221, and subsections (c) and (d) of Section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees with respect to the computation of survivor benefits for the children of a deceased participant or annuitant in the CIA Retirement and Disability System (CIARDS). The Senate amendment provided that children with a living parent, whether that parent is a surviving spouse or former spouse of the deceased participant or annuitant, shall receive an annuity paid at the rate applicable to single orphans as opposed to double orphans. The House bill did not contain a similar provision.

The conferees agreed to adopt the Senate provisions as Section 302 of the conference report with technical drafting changes and an amendment providing that the change in the computation of survivor benefits shall be applicable only where the death of the participant or annuitant occurs after the first day of the fourth month beginning after the enactment date of the conference report. Children with a living parent who are currently receiving double orphan benefits are to be held harmless. Similar changes were made to the Civil Service Retirement System (CSRS) in 1984 and to the Foreign Service Retirement System (FSRS) in 1988.

#### SECTION 303

Section 303 of the conference report amends Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to provide a second, 18-month survivor benefit election opportunity during which CIARDS retirees may provide for or increase a current spouse survivor annuity. Section 303 is similar to Section 303 of the Senate amendment, however, Section 303 con-

tains significant technical drafting changes including a redrafted effective date provision which better reflects the description of the provision in the Senate report (S. Rpt. 102-117).

The House bill did not contain a similar provision.

#### SECTION 304

Section 304 of the conference report amends Section 224(c)(2)(A) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to provide the Director of Central Intelligence the authority to waive the requirement that certain qualified former spouses apply for CIARDS survivor benefits within 30 months of October 1, 1986. Section 304 is identical to Section 304 of the Senate amendment except for technical drafting changes.

The House bill did not contain a similar provision.

#### SECTION 305

Section 305 of the conference report amends Section 231(b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to give the Director of Central Intelligence the authority to issue regulations providing for reimbursement of less than 100 percent of the costs associated with CIARDS disability retirement examinations. Section 305 is identical to Section 305 of the Senate amendment except for technical drafting changes.

The House bill did not contain a similar provision.

#### SECTION 306

Section 306 of the conference report amends subsections (a) and (b) of Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to allow survivor benefits to be provided for a previous spouse by court order or an election in the case of all CIARDS annuitants (regardless of the annuitant's date of retirement) whose divorce occurs on or after September 30, 1990. Section 306 also makes certain other technical changes in Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees. Section 306 is identical to Section 306 of the Senate amendment except for technical drafting changes.

The House bill did not contain a similar provision.

#### SECTION 307

Section 307 of the conference report amends Section 235(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to make a technical correction to the mandatory retirement provisions of CIARDS to link the mandatory retirement age of CIARDS to the pay schedule of the Senior Intelligence Service (SIS). Section 307 is identical to Section 307 of the Senate amendment except for technical drafting changes.

The House bill did not contain a similar provision.

#### SECTION 308

Section 308 amends Section 8351 of title 5 of the United States Code to clarify that CIA foreign national employees who serve overseas and are subject to the Civil Service Retirement System (CSRS) are precluded from Thrift Savings Plan (TSP) participation



effective January 1, 1987. Section 308 also provides for a refund of contributions to the TSP, plus earnings, if any, if such contributions have been made. Section 308 is identical to subsections (b) and (d) of Section 308 of the Senate amendment except for technical drafting changes. The conferees agreed that inclusion of subsections (a) and (c) of Section 308 of the Senate amendment was unnecessary because current law precludes federal employees covered under other federal retirement plans from participation in CSRS or the Federal Employees Retirement System (FERS).

#### SECTION 309

Section 309 of the Senate amendment redrafted Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to consolidate the special entitlements and rules that apply to qualified former spouses of CIA employees covered under the Federal Employees' Retirement System (FERS). In addition, Section 309 eliminated the entitlement of former spouses to an automatic statutory share of benefits payable under subchapter III of FERS, the Thrift Savings Plan (TSP).

Although the conferees agreed that Section 304 of the 1964 Act needs to be redrafted, they were not persuaded that the imposition of a pro-rata division of TSP benefits is either unreasonable or unworkable. The conferees were concerned that the TSP represents a major portion of the retirement benefits of retirees under FERS and that any change in the entitlement of qualified former spouses to TSP benefits should be taken only after full and careful consideration of the change.

Nevertheless, the conferees did agree to include one provision of Section 309 of the Senate amendment in the conference report. This provision, which was subsection (g) of the amended Section 304 in the Senate amendment, clarifies that certain former spouses of Agency employees divorced on or before November 15, 1982, will be entitled to receive the retirement and survivor benefits provided under Sections 224 and 225 of the 1964 Act, even if the Agency employee transferred into FERS. Currently, the benefits of Sections 224 and 225, which are provided solely by special appropriation, apply only to those eligible former spouses of Agency employees who are covered under CIARDS or the Civil Service Retirement System. Section 309 of the conference report adds a new subsection (h) to Section 304 of the 1964 Act and is deemed to be effective as of December 2, 1987.

The House bill did not contain a similar provision.

#### SECTION 310

Section 310 of the conference report amends Section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to eliminate the requirement that a former husband or wife of a participant or former participant must have spent five years outside the United States to qualify for "former spouse" benefits. Under the amended section, to qualify for "former spouse" benefits, the spouse must have been married to the participant for at least ten years during periods of creditable service by the participant, at least five years of which must have been spent by the par-

ticipant outside the United States as an employee of the Central Intelligence Agency or otherwise in a position whose duties have qualified the participant for designation by the Director as a participant. The amended section is applicable only to spouses whose divorce from a participant or former participant becomes final after the date of enactment of this Act. Section 310 is identical to Section 310 of the Senate amendment except for technical drafting changes.

The House bill did not contain a similar provision.

#### TITLE IV—GENERAL PROVISIONS

##### SECTION 401

Section 401 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law. Section 401 is identical to section 401 of the House bill and to section 401 of the Senate amendment.

##### SECTION 402

Section 402 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 402 is identical to section 402 of the House bill. The Senate amendment did not contain a similar provision.

##### SECTION 403

Section 403 of the conference report requires the Director of Central Intelligence to direct that elements of the Intelligence Community should award contracts in a manner that would maximize the procurement of products produced in the United States. Such direction shall occur when compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound. The conferees note that the use of a differential in evaluating the bids of domestic and foreign firms is not inconsistent with the meaning of the term "fiscally sound." Section 403 is identical to section 403 of the House bill. The Senate amendment did not contain a similar provision.

##### SECTION 404

Section 404 of the conference report provides that the position of Inspector General of the Central Intelligence Agency (CIA) will be entitled to compensation at a statutory level comparable to the Inspectors General at other government agencies, including the Departments of State and Defense. The enabling legislation which created the CIA Inspector General did not establish a statutory level of compensation for that office.

Section 404 is identical to section 601 of the Senate amendment. The House bill did not contain a similar provision.

#### SECTION 405

Section 405 of the conference report authorizes the Secretary of Defense to pay expenses incurred when an employee of the National Security Agency dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty. The authorization provided by section 405 would extend to the expenses associated with transporting the employee's dependents and family effects, as well as the employee's remains, from the duty location to the employee's former home or official station, or such other place as determined by the Secretary.

A "rotational tour of duty" occurs when the National Security Agency transfers an employee from the headquarters of the agency to another duty site in the United States for a fixed, relatively brief period of time established by regulation, with the intent to return the employee to agency headquarters at the end of that period.

Section 405 is identical to section 801 of the Senate amendment. The House bill did not contain a similar provision.

#### SECTION 406

Section 406 of the conference report reflects the conferees' agreement on sections 501-503 of the House bill which required the head of each department or agency which holds or receives any information on personnel listed as prisoner of war or missing in action after 1940 to make available to the public such records or information not later than 180 days after enactment. The House bill prohibited disclosure of information that would reveal sources or methods of intelligence collection, and no records which specifically mention by name a United States service member could be released unless express permission were granted by specified relatives of the service member, if those relatives were alive. In addition, the House bill required agencies within the Department of Defense to compile and make available to the public a complete list of all personnel classified after 1940 as prisoner of war, missing in action or killed in action (body not returned). The amendment did not contain a similar provision.

The conferees noted that the issues raised by sections 501-503 of the House bill had been addressed in the conference on the National Defense Authorization Act for Fiscal Years 1992 and 1993, H.R. 2100. The conferees agreed that it was unnecessary to repeat in the intelligence authorization bill the provisions on the release of information pertaining to Vietnam-era prisoners of war and missing in action which will appear as section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993. These provisions require the Secretary of Defense to place in a library-like facility within the National Capital region for public review and photocopying any record, live-sighting report or other information that relates to the location, treatment or condition of any Vietnam-era POW/MIA (member of the Armed Forces or civilian employee of

the United States) whose person or remains have not been returned to United States control.

The conferees also noted that the National Defense Authorization Act for Fiscal Years 1992 and 1993 does not require that records pertaining to World War II or Korean conflict POW/MIA's be made publicly available in the same manner as required for records of Vietnam-era POW/MIA's. The conferees were concerned that there is insufficient information currently available concerning the numbers of United States military and civilian employee personnel who remain unaccounted for as a result of military actions during World War II and the Korean conflict, the location of records pertaining to those personnel, and the feasibility of expanding public access to those records.

Therefore, the conferees agreed to require the Secretary of Defense to submit, within 90 days of enactment, a report to the Select Committee on POW/MIA Affairs and the Armed Services Committee of the Senate, and the Permanent Select Committee on Intelligence and the Armed Services Committee of the House of Representatives setting forth:

- (1) The number of members of the Armed Forces or civilian employees who remain unaccounted for as a result of military actions during World War II or the Korean conflict;

- (2) A description of the nature and location of any military records which pertain to such individuals, including the extent to which such records are available to family members or members of the public and the process by which access to such records may be obtained;

- (3) An identification and description of any military records (including the location of such records) pertaining to such individuals that are not available to family members or members of the public, and a statement explaining why such records are not available to family members or the public; and

- (4) An assessment of the feasibility and costs of identifying, segregating, and relocating all such records to a central location within the United States, including an estimate of the percentage of such records regarding such individuals which are currently maintained by the Department of Defense.

The conferees are encouraged by the fact that the issue of public access to information pertaining to missing United States personnel has received significant attention in the Congress and in the Department of Defense since passage of the House bill on June 11, 1991. The conferees believe that the result of the actions taken by Congress on this issue this year will be to ensure greater public availability of this information in a way which will not compromise national security or violate family privacy.

## TITLE V—FEDERAL BUREAU OF INVESTIGATION PROVISIONS

### SECTION 501

Section 501 of the conference report directs the Director of the Federal Bureau of Investigation (FBI) to conduct a study to determine the feasibility of establishing an undergraduate training program, including training which may lead to the baccalaureate degree, to facilitate the recruitment of individuals, particularly mi-

nority high school students, with a demonstrated capability to develop skills critical to the FBI's mission. Any program proposed as a result of the study may be implemented only after the review and approval of the Department of Justice and the Office of Management and Budget, and only to the extent that appropriated funds are available for that purpose.

Section 501 is identical to section 501 of the Senate amendment. The House bill did not contain a similar provision.

## **TITLE VI—CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN**

### **SECTION 601**

Section 601 reflects the conferees' agreement with respect to a matter raised in the classified annex accompanying the report on the Senate amendment (Senate Report 102-117).

The conferees have provided \$20 million above the budget request in the Agency Management Base to serve as a source of funds for a reprogramming for the Central Intelligence Agency Consolidation Plan should the Director of Central Intelligence (DCI) determine that funds in addition to the funds specifically authorized for the consolidation plan by this Act are necessary during fiscal year 1992. If the DCI requests that all, or a portion of the \$20 million be made available, such request shall be considered pursuant to established reprogramming procedures.

## **TITLE VII—BUDGET TOTAL FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES**

### **SECTION 701**

Section 104 of the Senate amendment required that the President's annual budget submission contain unclassified statements of the total amount of intelligence-related spending requested for the coming year and the total amount expended in the previous fiscal year. Section 105 required that the conference report on the intelligence authorization bill contain an unclassified statement of the total amount authorized for intelligence and intelligence-related activities. Section 106 delayed the effective date of sections 104 and 105 until the enactment of the intelligence authorization bill for fiscal year 1993. The House bill contained no similar provisions.

While agreeing with the objective of the Senate provisions, and believing that Congress should take a clear position in favor of the public disclosure of the intelligence budget total, as recommended by the Senate, the conferees believed it preferable to indicate this position in a "sense of the Congress" provision, rather than mandate such disclosures by law at this time. It is the conferees' hope that the Committees, working with the President, will, in 1993, be able to make such information available to the American people, whose tax dollars fund these activities, in a manner that does not jeopardize U.S. national security interests.

## TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS AND GRANTS

Title VII of the Senate amendment authorized the creation of a National Security Education Trust Fund, funded at a level of \$180,000,000, which would have been invested in interest-bearing obligations of the United States. Interest generated would have been used to fund undergraduate scholarships, graduate fellowships, and grants to educational institutions in the areas of international studies, area studies, and foreign languages. The objectives of this title were to enhance the quality of U.S. educational programs in these fields, as well as enable the United States Government to develop a pool of potential employees with knowledge of particular cultures, languages, or governments by making it possible for many more U.S. students to study abroad.

Under the Senate amendment, funding for the program was authorized to be appropriated to the Secretary of Defense who, in turn, was authorized to transfer such funds to a trust fund to have been established in the Treasury. This trust fund would have been administered in accordance with policies and criteria established by a National Security Education Board, chaired by the Secretary of Defense or his representative. Members of the Board were to have been the Secretaries of Education, State, and Commerce, the Director of Central Intelligence, the Director of the U.S. Information Agency, or their respective representatives, and four individuals appointed by the President with the advice and consent of the Senate. The Board was to identify the areas where, from the standpoint of the Government, U.S. expertise or capability was lacking or deficient, and establish criteria for the award of assistance under the program.

The Senate amendment itself provided a number of general criteria to govern the award of assistance. For example, the annual distribution of assistance would have been apportioned approximately in thirds: one-third to undergraduate scholarships; one-third to graduate fellowships; and one-third to U.S. educational institutions. It also provided that the awards in each category would have been based upon a merit review process, however, the Board was authorized to take into account the need to provide for an equitable distribution of such assistance among the various geographic regions of the United States.

The Senate amendment also provided that persons receiving graduate fellowships under the program would, as a condition of receiving such assistance, enter into an agreement with the Secretary in which such persons agreed to maintain satisfactory academic progress, and agreed to work for the federal government or in the field of education upon the completion of their education, for a period determined by the Secretary of at least one year and no more than three years for each year a fellowship was awarded.

The Senate amendment required the Secretary to administer the program through the Defense Intelligence College but also authorized the Secretary to enter into contracts with private national organizations to carry out the program. It also required that the Sec-

retary submit an annual report to the President and the Congress concerning the operation of the program.

Finally, the Senate amendment provided that from the amounts transferred to the trust fund, the Secretary would reserve for fiscal year 1992: (1) \$15,000,000 to award scholarships for undergraduate study abroad; (2) \$10,000,000 to award fellowships for graduate school studies; and (3) \$10,000,000 for grants to educational institutions.

The conferees support the objectives of the Senate amendment, believing it will make an important and continuing contribution to the nation's security. They also agree generally with the framework for the program proposed by the Senate amendment. Nevertheless, there were a number of modifications to the Senate amendment which the conferees agreed were desirable.

First, the conferees agreed that the objectives of the program could be met with a trust fund authorized at a level of \$150,000,000 rather than the \$180,000,000 provided by the Senate amendment. Accordingly, section 809 of the conference report authorizes an amount of \$150,000,000 to be transferred to the National Security Education Trust Fund established by the Act.

The Senate amendment provided that fellowships and scholarships under the program could be awarded to U.S. citizens and resident aliens. Inasmuch as a primary objective of the program is to develop a pool of potential employees to work in the national security agencies of the U.S. Government, the conferees believe that the assistance awarded to individuals under the program should be limited to U.S. citizens. Subsection 802(a)(1) has been limited accordingly.

The Senate amendment provided that only persons awarded graduate fellowships were required to enter into an agreement under which they would agree to a period of employment with the federal government, or service in the field of education, after completion of their baccalaureate degree. The conferees believe that where scholarships are provided to undergraduates, and such assistance is provided for a period which aggregates 12 months or more, the recipients should also be required, as a condition of such assistance, to agree to work for the federal government, or in the field of education, after the completion of their education for a period not longer than the period such assistance was provided. Section 802(b)(2) of the conference bill reflects this modification.

The conferees also agreed that the Senate amendment required clarification of the obligations of recipients of fellowships (to be known as "International Graduate Fellows") and scholarships (to be known as "International Exchange Scholars") who were required to enter into service agreements. Thus, subsection 802(b)(1) of the conference report provides that a failure of such recipients to maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary of Defense, shall constitute grounds for termination of the assistance in question. Subsection 802(b)(3) further provides that should a recipient fail to maintain such progress, or fail to satisfy the commitment to work for the federal government or in the field of education after the completion of his or her baccalaureate degree or education under the program, as the case may be, the recipient is obligated to reim-

burse the United States Government for the cost of the assistance previously provided under the program, together with interest at a rate determined in accordance with regulations issued by the Secretary of Defense. Section 804(e) provides that any such amount reimbursed to the Government shall be returned to the Fund itself.

The Senate amendment provided that the awards in each category were to be based upon a merit review process, but the Secretary or the contract organization administering the award program was also authorized to take into account the need to provide for an equitable distribution of such assistance among the various geographic regions of the United States. The conferees also believe it desirable that the Secretary or contract organization take into account the need for the recipients of such assistance to reflect the broad cultural, racial, and ethnic diversity that exists among the American people. Thus, subsection 802(c) of the conference bill provides that the need to reflect such diversity be taken into account in the award of assistance to individuals.

The conferees also believe it desirable to modify the Senate amendment to make clear that no person who receives a scholarship or a fellowship under this program shall be used to carry out any activity on the part of any element of the United States Government involved in intelligence activities. It must be clear to foreign governments and organizations who host U.S. citizens receiving assistance under this program that the individuals concerned are engaged in purely academic pursuits. Accordingly, a new subsection 802(f) has been added to the conference bill providing that individual recipients of assistance under this program may not be used to undertake any activity on behalf of an intelligence agency of the U.S. Government during the period assistance is provided.

The Senate amendment was silent with respect to whether the amounts to be expended from the Fund each year were subject to annual congressional authorizations. The conferees agreed that such amounts should be subject to such authorizations and appropriations in order to provide Congress a significant continuing role in the administration of the program. Subsection 804(b)(2) reflects this change to the Senate amendment. The conferees also added a new subsection 805(d) making clear that expenditures necessary to conduct the program are to be paid from the Fund, subject to such annual authorizations.

Although the Senate amendment contained a requirement that the Secretary provide an annual report to the President and the Congress concerning the operation of the program, the conferees agreed that the requirements specified for the report were deficient in terms of eliciting relevant data concerning the results produced by the program. Accordingly, the conferees added new requirements for the annual report, to include:

An analysis of the assistance provided under the program, to include the subject areas being addressed;

An analysis of the performance of the individuals who received assistance under the program, to include information on the number who failed to meet their obligations under the program;

An analysis of the results of the program, both for the previous fiscal year and cumulatively, to include the percentage of



recipients who became employees of the federal government, the uses made by the assistance by other recipients, and the uses made of the assistance by educational institutions, and

Any legislative changes recommended by the Secretary to facilitate the administration of the program or otherwise to enhance its objectives.

The conferees determined that the first such annual report should be submitted at the time the budget for fiscal year 1994 is submitted to the Congress.

Finally, the conferees agreed to add a provision section 809(b), authorizing up to \$35 million to be obligated from the fund in fiscal year 1992. Such funds as may be provided through appropriations in fiscal year 1992 are to remain available for obligation until expended:

### *Organizational Initiatives*

Both Committees had directed or endorsed certain organizational initiatives in the reports on their respective bills. These were motivated, in large part, by the lessons learned from DESERT SHIELD/DESERT STORM. The recommendations also represented, however, the first steps proposed by each Committee as a result of their respective ongoing reviews of the organizational structure of the intelligence community.

In its actions on the FY 1992 budget, the House—

Transferred three military service-supported S&T centers—Army's Armed Forces Medical Intelligence Command (AFMIC), Army's Missile and Space Technology Center (MSIC), and another activity reflected in the schedule of authorizations—to DIA and designated them field production activities.

Gave DIA direction, control and authority over three additional military service-supported S&T centers—Air Force's Foreign Technology Division (FTD), Army's Foreign Science and Technology Center (FSTC), Navy's Naval Technical Intelligence Command (NTIC), as well as all foreign materiel programs within the GDIP (included in the military service S&T budgets that HPSCI transferred to DIA).

Transferred the military services' human intelligence (HUMINT) budgets as well as DoD's Foreign Counterintelligence (FCI) budget to DIA in order to give the agency clear control over all resources and the authorities to centrally manage all defense HUMINT activities in DoD and manage an integrated HUMINT/CI program.

The Senate, for its part, adopted report language which called for the following organizational changes:

The creation of an Assistant Deputy Director of Operations for Military Support at CIA, to facilitate the interaction between CIA and the military.

A joint study by the Assistant Secretary of Defense (C3I) and Director of Central Intelligence, to identify an "imagery manager" within DoD to provide a focal point for imagery policy and oversight.

Development of a plan to ensure that the theater commanders were able to exercise control of national intelligence sys-

tems in peacetime to ensure an orderly transition during crisis and war.

Rotation of the Director and Deputy Director positions at the National Photographic Interpretation Center (NPIC) between CIA and DoD every three years to make NPIC more responsive to military requirements, as well as direction to DIA to remain part of NPIC until the lessons learned from DESERT STORM/DESERT SHIELD could be evaluated.

Integration of representatives of the CIA Directorates of Operations and Intelligence into the Joint Intelligence Centers at theater commands to improve CIA support and responsiveness to those commands.

Submission of an integrated DoD Foreign Counterintelligence and Security Countermeasures Program in the National Foreign Intelligence Program.

Reallocation of personnel to establish a counterintelligence and security component within the Intelligence Policy Support Group.

The conferees have considered each of these initiatives, and agree, at this time, only to the actions set forth below. In some cases, these actions are reflected in the classified Schedule of Authorizations or are further elaborated in the report language which accompanies the classified Schedule of Authorizations.

1. The Armed Forces Medical Intelligence Center and the Army Missile and Space Intelligence Center are to be transferred to DIA. This transfer, in fact, is mandated by section 921 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (H.R. 2100).

2. The funds authorized for research and development (R&D), and for procurement for the three principal science and technology centers for the military departments (i.e., the Air Force Foreign Technology Division (FTD), the Army Foreign Science and Technology Center (FSTC) and the Naval Technical Intelligence Command (NTIC)) and for another activity reflected in the Schedule of Authorizations be transferred to DIA. This funding transfer is consistent with the report language pertaining to section 921 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (H.R. 2100).

3. All R&D and procurement funds authorized for DoD human intelligence activities be transferred to DIA. This funding transfer is consistent with the report language pertaining to section 921 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (H.R. 2100).

4. The DCI should create within the Directorate of Operations at CIA the position of Assistant Deputy Director for Military Support to facilitate the interaction between CIA and the military. This proposal is elaborated in the report language accompanying the classified Schedule of Authorizations.

5. The Director, DIA should delay the withdrawal of DIA personnel from NPIC during fiscal year 1992 in order to provide the Committees with an opportunity to assess the effects of such withdrawal within the context of their overall review of organizational arrangements within the intelligence community.

6. Representatives from the CIA Directorates of Intelligence and Operations should be integrated into Joint Intelligence Centers established at theater commands and DIA—reporting to the J-2s—in order to improve CIA support and responsiveness to those activities.

7. The Assistant Secretary of Defense (C<sup>3</sup>I) in consultation with the Director of Central Intelligence, should submit by July 1, 1992, a report to the two intelligence committees which discusses the desirability and feasibility of submitting to the Congress an integrated DoD Foreign Counterintelligence and Security Countermeasures Program budget within the National Foreign Intelligence Program.

8. DoD should take appropriate action to reallocate personnel to establish a counterintelligence and security component within the Intelligence Policy Support Group.

9. The Secretary of Defense and Director of Central Intelligence are requested to undertake a baseline review of the imagery community—including national, departmental, and tactical organization and programs—and develop a management blueprint for the 1990s. The results of this review should be provided the two intelligence committees by June 1, 1992.

The conferees note that one initiative proposed by the Senate, to develop a plan to enable theater commanders to exercise control of national intelligence systems in peacetime, is satisfactorily addressed by section 924 of the National Defense Authorization Act for Fiscal years 1992 and 1993 (H.R. 2100), and, thus, there is no need to include it here.

The conferees also take note of the additional intelligence provisions contained in the National Defense Authorization Act for Fiscal Year 1992 and 1993, in particular, section 921 which assigns until January 1, 1993 certain responsibilities to the Director of the Defense Intelligence Agency. The conferees wish to make clear that during the forthcoming year both Committees intend to review, as part of their respective assessments of intelligence community organization, the authorities and responsibilities of the Director DIA, and to make such recommendations regarding these responsibilities as may be appropriate, within the context of their action on the intelligence authorization bill for fiscal year 1993.

## PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

### TRANSFER AUTHORITY

Section 104 of the House bill authorized the Director of Central Intelligence to transfer an amount of funds specified in the classified Schedule of Authorizations to a program identified in that schedule. The Senate amendment did not contain a similar provision. The conferees agreed that the transfer authority was not necessary to accomplish the purpose for which it had been intended.

### OATH OF SECRECY

Section 404 of the House bill prohibited an element of the United States Government for which funds were authorized by the bill from providing classified intelligence information to a member or employee of the House Intelligence Committee unless the member

or employee had executed an oath of secrecy which had then been published in the Congressional Record. The Senate amendment did not contain a similar provision. Since the House Intelligence Committee had, on October 22, 1991, adopted an amendment to its rules to require an oath of secrecy for members and employees, the conferees agreed that the provision was unnecessary.

#### MINOR TRANSFERS OF INTELLIGENCE APPROPRIATIONS FOR OPERATIONAL EMERGENCIES

Section 802 of the Senate amendment authorized the Director of Central Intelligence (DCI) to transfer an amount of funds not to exceed \$10 million in the aggregate in any fiscal year, within the National Foreign Intelligence Program (NFIP) to respond to foreign intelligence operational emergencies. The House bill did not contain a similar provision. The conferees agreed that the sufficiency of the flexibility available to the DCI, under the Central Intelligence Agency Act of 1949, to transfer funds within the NFIP should be examined in the context of the consideration of intelligence reorganization proposals, which will occur in 1992.

#### CLASSIFICATION OF EXCEPTION FOR CERTAIN NATIONAL SECURITY INFORMATION FROM CERCLA DISCLOSURE REQUIREMENTS

Section 803 of the Senate amendment extended to those statutes and regulations authorizing the protection of certain types of unclassified information, the requirements of current law that a grant of access to classified information or restricted data pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or Title III of the Superfund Amendments and Reauthorization Act of 1986, be governed by all of the requirements of law of Executive Order applicable to that kind of information or data. The House bill did not contain a similar provision. The conferees were aware that the Environmental Protection Agency and the National Security Agency are considering this issue in the broader context of an examination of a proposal to extend toxic chemical reporting requirements to federal facilities. The conferees agreed to exclude the provision from the conference report so as to not prejudice the results of that consideration and examination.

#### CONSOLIDATION OF AIRBORNE RECONNAISSANCE PROGRAMS

Section 804 of the Senate amendment required the Secretary of Defense to ensure that, beginning in fiscal year 1993, the budget submission for the General Defense Intelligence Program (GDIP) contain the amounts requested to be authorized and appropriated for the TR-1 airborne reconnaissance platform and the Airborne Reconnaissance Program. The Secretary of Defense was additionally required to consolidate management of these programs within the GDIP. The House bill did not contain a similar provision. The conferees noted that, because this issue had been considered and resolved by the conferees on the defense authorization bill for fiscal year 1992, it was not necessary to address it in this conference report.

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

DAVE MCCURDY,  
CHARLES WILSON,  
BARBARA B. KENNELLY,  
DAN GLICKMAN,  
NICHOLAS MAVROULES,  
BILL RICHARDSON,  
STEPHEN J. SOLARZ,  
NORMAN DICKS,  
RONALD V. DELLUMS,  
DAVID BONIOR,  
MARTIN OLAV SABO,  
WAYNE OWENS,  
BUD SHUSTER

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

LARRY COMBEST

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

DOUGLAS BEREUTER

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

ROBERT K. DORNAN

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

C.W. BILL YOUNG

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

DAVID O'B. MARTIN

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

GEORGE W. GEKAS

(except for titles VII and  
VIII and dropping section  
404 of the House bill),

As additional conferees from the Committee on Armed Services, for consideration of matters within the jurisdiction of that committee under clause 1(c) of rule X:

LES ASPIN,  
IKE SKELTON,  
WILLIAM L. DICKINSON,

As additional conferees from the Committee on Education and Labor, for consideration of title VII of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,  
PAT WILLIAMS,  
CHARLES A. HAYES,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of titles III (except section 301) and VI of the Senate amendment, and modifications committed to conference:

WILLIAM L. CLAY,  
GERRY SIKORSKI,  
GARY L. ACKERMAN,  
BENJAMIN A. GILMAN,  
JOHN MYERS,

*Managers on the Part of the House.*

DAVID L. BOREN,  
SAM NUNN,  
FRITZ HOLLINGS,  
BILL BRADLEY,  
ALAN CRANSTON,  
DENNIS DECONCINI,  
HOWARD M. METZENBAUM,  
JOHN GLENN,  
FRANK H. MURKOWSKI,  
JOHN W. WARNER,  
ALFONSE D'AMATO,  
JOHN C. DANFORTH,  
WARREN RUDMAN,  
SLADE GORTON,  
JOHN H. CHAFEE,

From the Committee on Armed Services:

J. JAMES EXON,  
STROM THURMOND,

*Managers on the Part of the Senate.*

