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97TH CONGRESS | SENATE | REPORT
1st Session | | No. 97-57

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 1982 FOR INTELLIGENCE ACTIVITIES OF THE U.S. GOVERNMENT, THE INTELLIGENCE COMMUNITY STAFF, THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM, AND TO PROVIDE CERTAIN PERSONNEL MANAGEMENT AUTHORITIES FOR THE DEFENSE INTELLIGENCE AGENCY, AND FOR OTHER PURPOSES.

MAY 6 (legislative day, APRIL 27), 1981.—Ordered to be printed

Mr. WALLOP (for Mr. GOLDWATER) from the Select Committee on Intelligence submitted the following

REPORT

[To accompany S. 1127]

The Select Committee on Intelligence, having considered the original bill (S. 1127) authorizing appropriations for fiscal year 1982 for intelligence activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and to provide certain personnel management authorities for the Defense Intelligence Agency, and for other purposes, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

This bill would:

(1) Authorize appropriations for fiscal year 1982 for (a) intelligence activities of the United States, (b) the Intelligence Community Staff, and (c) the CIA Retirement and Disability System;

(2) Authorize the personnel end-strengths as of 30 September 1982 for (a) the Central Intelligence Agency, and (b) the Intelligence Community Staff; and

(3) Authorize supplemental appropriations for fiscal year 1981 for the intelligence activities of the United States.

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OVERALL SUMMARY OF COMMITTEE ACTION

[Dollars in millions]

	Fiscal year 1981	Budget request	Committee recommends	Committee recommended changes
Intelligence activities				
Intelligence community staff	$18.3	$15.4	$15.4	
CIARDS	55.3	84.6	84.6	
Total				

THE CLASSIFIED REPORT

The classified nature of U.S. intelligence activities prevents the Committee from disclosing the details of its budgetary recommendations in this Report.

The Committee has, however, prepared a classified report which describes in detail the full scope and intent of its actions, and the specific amounts authorized for each of the major intelligence programs. The Committee intends that the classified report, although not available to the public, will have the full force of any Senate Report, and that the intelligence community will comply with the guidelines, directions, and limitations contained therein.

The classified report is available for review by any member of the Senate, subject to the provisions of Senate Resolution 400.

SCOPE OF COMMITTEE REVIEW

The Committee, through its Budget Authorization Subcommittee, conducted a detailed review of the intelligence community's fiscal year 1982 budget request. This included:

Hearings involving some 20 hours of testimony, which included the Director of Central Intelligence, key Defense Department officials, and each of the principal program managers;

Detailed examination of over 2,000 pages of budget justification material, and a number of special studies requested by the Committee;

Review of written responses from the intelligence community to several hundred questions for the record, containing supplemental information on specific subjects or issues; and

Many hours of informal briefings and interviews on major topics of interest.

This year, the Subcommittee took the initial steps in reorienting its approach to the budget authorization process. For the first time, a number of functional hearings were conducted which examined programs throughout the community involved in similar activities, such as analysis and production, and foreign counterintelligence and international terrorism. The Subcommittee found this approach quite beneficial in understanding the interrelationships among the various programs associated with a common community activity, and in highlighting particular strengths and weaknesses in these activities. The Subcommittee intends to continue and

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expand upon this approach in reviewing the fiscal year 1983 budget request.

During the course of the budget authorization process, the Subcommittee focused its attention on the following key areas:

The adequacy of U.S. intelligence capabilities to meet the community's overall responsibilities;

The identification of major gaps or deficiencies in current capabilities;

The extent to which the fiscal year 1982 budget proposed steps to overcome existing deficiencies, and provided the necessary investments to meet future needs;

Steps taken, and future actions needed or planned to improve the quality of analysis and the analytic product;

Improvements needed in human source collection abroad, covert action capabilities, and in countering foreign espionage and international terrorism; and

The implications of the space shuttle for future intelligence missions.

Overall Committee Findings and Recommendations

The Committee indicated last year that in its judgment the decade of the 1980's would place a greater burden than ever on the U.S. intelligence system to provide timely and relevant support to the foreign and defense policy process. We see no reason to change this prognosis; indeed, if anything, events of the past year have served to strengthen our assessment. Key among the many factors influencing this assessment are the following:

Competition between the U.S. and its principal adversaries is likely to grow during the 1980's, which will require an even greater commitment of intelligence resources to adequately cover the political, military, and economic aspects of this challenge;

Continued political instability, economic problems, and societal change in the Third World will require increased attention because of the growing strategic implications of developments in these areas for U.S. interests;

Emerging global issues such as energy and other strategic materials, food resources, population growth, international terrorism, nuclear proliferation, and the transfer of U.S. technology of the U.S. and its allies will place additional burdens on the intelligence system;

Continually changing trends in the intelligence environment will require the U.S. intelligence system to alter and improve its capabilities to keep pace; and

Selected collection and processing systems are rapidly becoming obsolete or inefficient and need to be replaced with modern state-of-the-art capabilities.

Resource constraints and inflation during the past decade have had a significant impact on the intelligence community's ability to adequately fulfill its mission. The U.S. intelligence system is not able to deal with multiple crises as we have experienced recently, without diverting resources from other high priority missions. Moreover, in many areas of the third World, coverage by the U.S. intelligence system is either marginal or non-existent. Actions by

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the Committee over the past two years are beginning to improve this situation, but resources will continue to be stretched extremely thin for the near-term.

Over the longer-term, however, a robustness must be re-established in the U.S. intelligence system. We must ensure a healthy mix of technical collection capabilities with sufficient redundancy to guard against unexpected compromise or loss; we must expand the corps of foreign area specialists and linguists, and improve data processing support to analysis; and we must strengthen human source collection, our ability to influence events abroad through covert means, and our ability to counter foreign espionage and international terrorism. The Committee's recommendations for fiscal year 1982 are fully supportive of these goals.

Certain areas, such as the quality of analysis and foreign counterintelligence, require special attention and improvement. These are longer-term problems which the Committee will continue to pursue to ensure progress continues in the coming years. The Committee has also identified a number of programmatic issues which require further study and analysis that are described in the classified report.

The Committee is persuaded that the U.S. must strengthen and improve its intelligence capabilities to compete effectively in world affairs in the decade ahead. The intelligence appropriations recommended for fiscal year 1982, we believe, are essential, and represent a prudent investment strategy which will enable the intelligence system to be fully responsive to the diversity of policy concerns likely to face the nation in the years ahead.

Evaluation of Regulatory Impact

In accordance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee finds that no regulatory impact will be incurred in implementing the provisions of this legislation.

Congressional Budget and Impoundment Control Act

The Committee has complied with section 403 of the Congressional Budget and Impoundment Control Act of 1974 to the extent practicable.

Title I—National Intelligence Program

Committee recommendations

Details of the Committee's recommendations with respect to the amounts to be appropriated for intelligence activities under this title are contained in a classified supplement to this report.

Title II—Intelligence Community Staff

[Dollars in millions]

Revised fiscal year 1981 program	$18.3
Amended fiscal year 1982 request	15.4
Committee recommended change	
Committee recommendation	15.4

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Authorization request

The Intelligence Community Staff requested $15.4 million and 245 staff personnel for fiscal year 1982 to support the Director of Central Intelligence in fulfilling his responsibilities for overall management and direction of the intelligence community. The decreased funding in fiscal year 1982 results from non-recurring costs associated with development of a new community-wide system for the security control and safeguarding of intelligence programs and materials which require special protection.

Committee recommendation

The Committee recommends an appropriation in the amount of $15,400,000 for the Intelligence Community Staff for fiscal year 1982.

For the fiscal year beginning October 1, 1981, the Committee recommends a personnel end-strength ceiling of 245 full-time employees. Such employees may be permanent employees or employees on detail from other elements of the U.S. Government. Any employee who is detailed to the Intelligence Community Staff from another element of the U.S. Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a nonreimbursable basis for a period of less than one year for performance of temporary functions as required by the Director of Central Intelligence.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

[Dollars in millions]

Revised fiscal year 1981 program	$55.3
Amended fiscal year 1982 request	84.6
Committee recommended changes	
Committee recommendation	84.6

Authorization request

The Central Intelligence Agency requested $84.6 million in fiscal year 1981 for the CIA Retirement and Disability fund to finance the cost of: (1) interest on the unfunded liability, (2) annuities attributable to credit allowed for military services, (3) benefits not met by employee/employer contributions, and (4) the increase in unfunded liability resulting from liberalized benefits and Federal pay raises.

The Central Intelligence Agency Retirement Act of 1964 for certain employees (Public Law 88-643, Oct. 13, 1964) authorized the establishment of a Central Intelligence Agency retirement and disability system for a limited number of Agency employees, and authorized the establishment and maintenance of a fund from which benefits would be paid to qualified beneficiaries.

The benefits structure of CIARDS is essentially the same as for the civil service retirement system with only minor exceptions. These exceptions are: (a) Annuities are based upon a straight 2 percent of high-3 average salary for each year of service, not exceeding 35; (b) under stipulated conditions, a participant may, with the consent of the Director, retire or at his direction be retired at age 50 with 20 years of service, or a participant with 25 years of service

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may be retired by the Director regardless of age; and (c) retirement is mandatory at age 65 for personnel in grade GS-18 or above and at the age 60 for personnel in grades GS-17 and below, except that the Director may in the public interest extend service up to 5 years.

In order to provide for the continuing solvency of the CIARDS fund, financing legislation comparable to that enacted for the Foreign Service retirement disability fund was enacted as Public Law 94-522 (Oct. 17, 1976).

Committee recommendation

The Committee recommends appropriation of the full amount requested for the CIA Retirement and Disability fund for fiscal year 1982.

TITLE IV—SUPPLEMENTAL AUTHORIZATION

FISCAL YEAR 1981

Committee recommendation

Details of the Committee's recommendations with respect to supplemental appropriations authorized for intelligence activities under this title are contained in a classified supplement to this report.

Budget waiver resolution

Pursuant to Section 402(c) of the Congressional Budget Act of 1974, the Committee has reported a budget waiver resolution with respect to this title.

TITLE V—GENERAL PROVISIONS

SEC. 501. This section authorizes intelligence appropriations to be increased by such amounts as may be necessary to cover increases in pay and benefits that may be authorized by subsequent legislation.

SEC. 502. ADVISORY COMMITTEES AND PERSONNEL.—Subsection (a) of this section amends section 303(a) of the National Security Act of 1947 (50 U.S. Code 405(a)) to replace an obsolete $50 a day limit on compensation for CIA advisory committee personnel and part-time advisory personnel with one based on the daily rate of a grade GS-18 under the General Schedule established by section 5332 of title 5 of the United States Code.

Prior to passage of the Central Intelligence Agency Act of 1949, section 303(a) of the National Security Act gave the Director of Central Intelligence specific authority to employ part-time advisory personnel and to appoint advisory panels and committees. The provision has remained on the books with a maximum daily pay rate set at $50, despite the subsequent enactment of section 8 of the CIA Act (50 U.S. Code 403j) which authorizes, notwithstanding any other provisions of law, the expenditure of funds for personal services as necessary to carry out CIA functions and for personnel and contractual services otherwise authorized by law and regulations. This statutory authority permits the CIA to employ its personnel and to obtain the additional personal services of experts, consult-

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ants, and other independent contractors, but does not prescribe any limitation on the compensation of such persons. The relationship between these two statutes and the effect to be given each has been somewhat problematical.

The amendment is consistent with government-wide personnel policies. Previously existing provisions with respect to a $50 per day limit for the compensation of advisory committee members by other government agencies have been superseded by the provisions of the Federal Advisory Committee Act (5 U.S. Code Appendix I). That Act, which exempts the CIA and the Federal Reserve System from its coverage because of public disclosure provisions, provides that advisory committee members shall receive compensation at a rate not to exceed the rate specified for GS-18 of the General Schedule. Despite its exemption, the Central Intelligence Agency has generally adhered to this limitation in the compensation of its experts and consultants pursuant to its section 8 authorities. The amendment confirms this practice, while preserving CIA's section 8 authorities for exceptional circumstances where higher compensation may be warranted for members of advisory committees and other part-time advisory personnel.

Subsection (b) amends 303 (b) of the National Security Act of 1947 (50 U.S.C. 405(b) et seq.) by deleting the section numbers "281," "283," and "284" and substituting in lieu thereof the numbers "203," and "205," and "207." This change merely reflects current law, since sections 281, 283, and 284 of title 18, United States Code have been repealed and replaced by sections 203, 205 and 207, respectively,

SEC. 503. FIREARMS AUTHORITY.—This section amends section 5(d) of the CIA Act of 1949 (50 U.S.C. 403f) to clarify the Agency's authority to permit its personnel to carry firearms. At present, section 5(d) provides authority for couriers and guards to carry firearms when engaged in the transportation of confidential documents and materials. The amendment makes it clear that CIA personnel may carry firearms to the extent necessary to carry out other authorized Agency functions, including the protection of classified documents and materials not being transported, training employees in the use of firearms, the protection of certain Agency personnel, Agency installations and other property, and the protection of defectors or foreign persons visiting the United States under Agency auspices who may be targets of assassination or abduction attempts. As indicated by the use of the words "including, but not limited to," this amendment is not as an exclusive list of authorized agency functions. The Committee wishes to emphasize that this amendment in no way is intended to modify section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) which provides that the CIA shall have "no police, subpena law enforcement powers, or internal security functions." If the Director authorizes personnel to carry firearms for other than the specific purposes enumerated in the amendment, it is the Committee's intent that he will report such instances to this Committee.

The language of the amendment makes it clear that the Director may designate personnel to carry firearms only if it is necessary for the performance of authorized Agency functions. CIA presently designates certain personnel to carry firearms in the performance of all the functions enumerated in the amendment. At present, CIA

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reports that less than 50 of its employees carry firearms with the United States at any given time. The committee does not expect any significant increase in this number as a result of this amendment.

In the absence of this amendment, CIA has relied for its authority not only on section 5(d) of the CIA Act of 1949, but also on the inherent authority of the sovereign and the right of self-defense of the individual. CIA has also found support in its responsibility under the National Security Act to protect intelligence sources and methods from unauthorized disclosure (50 U.S.C. 403(d)(3)) and from National Security Council directives and memoranda which have generally authorized the Agency to take necessary action in the interest of national security to protect CIA functions and personnel, and otherwise carry out the Agency's foreign intelligence responsibilities. Reliance has also been placed on section 1-811 of Executive Order 12036 which provides that the CIA shall "[p]rotect the security of its installations, activities, information, and personnel by appropriate means. . . ."

CIA has relied on the foregoing authorities to support the Agency's established policy that the CIA may permit its personnel to carry firearms to the extent necessary to carry out its authorized functions. The amendment gives explicit statutory recognition to this policy and obviates any concern that the current provisions of section 5(d) of the CIA Act might be construed as restrictive. Clarification of the Agency's firearms authority would be particularly useful in simplifying any legal proceedings which might result in the event that Agency personnel were forced to use firearms in the course of their official duties.

SEC. 504. UNAUTHORIZED USE OF CENTRAL INTELLIGENCE AGENCY NAME, INITIALS, OR SEAL.—This section amends the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403*l*) so as to afford the Central Intelligence Agency name, initials and seal protection against false advertising or misuse similar to that which 18 U.S.C. 709 presently provided to FBI and to a host of other federal agencies. This amendment corrects an incongruous omission in current law. The mission and function of the CIA are clearly as important and sensitive as those of the FBI and of the other departments and agencies presently protected. In light of past abuses of authority ascribed to the CIA, moreover, it is particularly important that the integrity of the Agency's name and initials be preserved and protected from misuse in connection with any merchandise, impersonation, solicitation or commercial activity in a manner reasonably calculated to convey the impression that such use is approved or authorized by the CIA. The amendment authorizes the Attorney General to institute civil proceedings in district courts to enjoin prohibited acts or practices.

SEC. 505. CENTRAL INTELLIGENCE AGENCY ALLOWANCES, BENEFITS, AND TRAVEL.—This section supplements and clarifies the expenditure authority of the Director of Central Intelligence under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403*l*).

Subsection (a) would authorize payment to CIA personnel and their dependents the allowances and benefits provided to the Foreign Service under Chapter 9 of the Foreign Service Act of 1980. The need for this provision arises from constraints on the broad expenditure authority in section 8 of the CIA Act (50 U.S.C. 403j)

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caused by limiting language in section 4 of that Act (50 U.S.C. 403c). As a consequence, it is unclear whether several of the new benefits enacted in the Foreign Service Act of 1980 can be provided to intelligence officers under section 8. These benefits include:

The provision of family accompaniment of employees on TDY (temporary duty assignments).

The provision on travel for necessary dental care abroad.

The provision on visits by children to parents with whom they do not regularly reside.

Subsection (a) also permits the DCI to pay such additional allowances and benefits as may be necessary to meet the special requirements of work related to intelligence activities. One problem which could be remedied by this provision is the disparity in benefits afforded Central Intelligence Agency employees moving from a foreign post to a domestic location outside the Washington, D.C. metropolitan area as compared to the benefits afforded Agency employees moving between domestic locations. Although personnel reassigned from overseas locations to domestic locations outside the Washington, D.C. area often incur relocation expenses beyond those normally associated with transfers to or from overseas to the Washington, D.C. area, these expenses are not reimbursable under existing law. The resultant disadvantages which accrue to employees asked to transfer from foreign posts to locations outside the Washington, D.C. area have created serious obstacles to the most effective utilization of intelligence personnel. This new provision would correct this problem by allowing the DCI to authorize reimbursement for this unique type of transfer. CIA estimates that there would be no more than thirty reimbursable transfers per year during the next five fiscal years with an estimated cost of less than $85,000 per fiscal year.

The additional authority would also enable the DCI to overcome obstacles to personnel assignments caused by the Agency's inability under current law to compensate employees for expenses associated with the breaking of leases when it becomes necessary to make overseas reassignments before the scheduled completion of domestic tours. CIA estimates the cost of solving this problem at substantially less than $100,000 per fiscal year. This cost is minimal when compared to the benefits that would accrue from the enhancement of the Agency's ability to transfer its personnel where and when they are most needed.

Subsection (a) is also designed to provide the DCI with the flexibility to act quickly to meet the speical requirements of work related to intelligence activities. Such flexibility is essential in an age of dramatic political change, where unforeseen expenditures may be necessary. It is the Committee's intent that the DCI's annual report include a section discussing how this special authority has been utilized.

Subsection (b) would enable the DCI to promulgate domestic travel regulations to reflect unique intelligence requirements. The DCI's authority to adopt travel regulations is limited in section 4 of the CIA Act to overseas travel. Government-wide regulations on domestic travel do not take into account the nature of intelligence work. The need to maintain cover, transport classified material, or accompany defectors or foreign visitors under sensitive circumstances creates requirements that are extremely difficult to deal

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with in the context of government-wide regulations and documentation procedures which were not designed with such considerations in mind. CIA states that this provision will result in long-run cost savings attributable to better designed and more efficient travel rules.

It is expected that the DCI will exercise his new authority to provide additional allowances and benefits and to adopt domestic travel regulations juidiciously in order to meet the special needs of intelligence work not adequately addressed by other law. In this connection, the CIA has indicated that it will be sensitive to the fact that differences in allowances and benefits among government personnel serving in comparable circumstances create morale problems. This, it would not be appropriate in ordinary circumstances to provide additional travel allowances to CIA employees for domestic changes of station. In addition, the Committee also expects the DCI to take care that new authorities provided by section 505 will be used to eliminate indicators that might aid persons who seek to identify and expose intelligence officers serving under cover.

SEC. 506. NATIONAL SECURITY AGENCY PERSONNEL BENEFITS AND ALLOWANCES.—This section would amend a benefits and allowances provision that was added last year to the National Security Agency Act of 1959 (50 U.S.C. 402 note) and that applies to designated Department of Defense cryptologic personnel. The provision became law before enactment of the Foreign Service Act of 1980, and refers to sections of the Foreign Service Act of 1946. Although the Foreign Service Act of 1980 contains a savings clause for such references to the Act of 1946, ambiguities have arisen because of differences in scope and subject matter between the corresponding sections in the Acts of 1946 and 1980. Section 506 would eliminate this problem by deleting from subsection 9(b)(1) of the National Security Agency Act of 1959 references to the Foreign Service Act of 1946 and substituting a reference to the Act of 1980. Section 502 would also ensure that designated Department of Defense cryptologic personnel can receive benefits and allowances comparable to those provided to their Central Intelligence Agency counterparts serving under similar circumstances.

SEC. 507. UNAUTHORIZED USE OF NATIONAL SECURITY AGENCY NAME, INITIALS, OR SEAL.—This section amends the National Security Act of 1959 (50 U.S.C. 402 note) so as to afford the National Security Agency name, initials and seal the same protection provided to the CIA name, initials and seal in section 504 of this bill.

SEC. 508. CRYPTOLOGIC LINGUIST TRAINING.—This section amends the National Security Act of 1959 to provide authority to the Director, National Security Agency, to arrange for language and related training of civilian and military cryptologic personnel, and to establish a cryptologic linguist reserve.

During the past several years, the Committee became cognizant of the fact that the intelligence community, most acutely NSA, has been experiencing difficulties in the recruitment, training and retention of qualified linguists in numbers sufficient to meet both routine and crisis demands. The Committee directed NSA to review the linguist situation and to delineate the specific problems confronted, along with recommendations as to how they might be overcome. The NSA review reported the following situation, which is

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reflected in independent probings by the Committee staff and several governmental bodies:

People trained in foreign language skills are not being graduated from American educational institutions in numbers sufficient to meet the demands for such skills governmentwide, but particularly in the intelligence community.

There is a shortage of skilled, fully-trained linguists in NSA and the military cryptologic elements.

Existing government institutions and training authorities provide for the basic, and in some instances, advanced instructional needs of NSA, but these institutions do not provide for most of the advanced instructional needs—such as rapid translation and transcription—that are unique to cryptologic linguist functions.

NSA's in-house training resources suffer from a lack of adequate authority to engage and retain qualified instructors on a long term basis. For example, many of these contract instructors are presently ineligible for participation in the Civil Service Retirement Program.

Given the requisite authority, NSA could benefit greatly from several mechanisms to promote skill improvement and from the development of a skilled surge capability which could be utilized during crisis periods and for other special needs.

NSA could also benefit from clear authority to develop mutually-beneficial cooperative arrangements with educational institutions and to support or promote programs of instruction that will meet cryptologic needs and provide sources of new linguists.

Pursuant to the Committee's directive, NSA advanced a legislative initiative which would provide the Director with clear, statutory authority to redress some of these problems in a comprehensive fashion. The Director of NSA or the Secretary of Defense already have statutory or administrative authority for some of the activities in this legislation. However, the legislation does grant NSA some new authority which could not be provided administratively and such provisions are highlighted in the sectional analysis. The initiative was reviewed by the members and staff of the Committee. The Committee agreed unanimously that the proposed legislation, incorporating minor alterations developed in consultation with NSA, formed a solid foundation for coping with the aforementioned problems. Although the Office of the Secretary of Defense has not yet formally approved this proposal, it has expressed its support for this initiative and for the general concept that the Director of NSA should have the leading role in developing DOD cryptologic training programs.

The legislation amends the National Security Act of 1959 to grant the Director of NSA authority to:

Facilitate long-term employment of specially-qualified instructors who support unique needs.

Work with and provide financial support to educational institutions and government training facilities for the development of language training programs that will support NSA needs.

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Establish a reserve of cryptologic linguists recruited from among a group of former NSA cryptologic linguists and other personnel who have the skill to perform such functions. Such individuals would agree to undergo periodic training to maintain their relevant skills and to return to work when needed.

Pay the costs of training, incentives, and active employment pay (or the difference between the individual's retirement pay and active duty pay for retirees) for the members of this linguist reserve.

Pay the expense of training personnel to acquire the advanced language proficiency required for the cryptologic mission.

Pay incentives to currently-employed cryptologic linguists to improve their skills.

Sectional Analysis

Section 508 amends the National Security Act of 1959, which sets our administrative authorities for the National Security Agency, to add a new subsection (b) to section 10 of that Act. Subsection (b) would provide authority to the Director, National Security Agency, on behalf of the Secretary of Defense, to arrange for appropriate language and related training of civilian and military cryptologic personnel.

Subsection (b)(1) reaffirms the Director's authority to establish policy concerning the training and instruction to be provided civilian and military cryptologic personnel, including the specification of required functional and geographic specializations. In addition, subsection (b)(1) exempts domestic training and cooperative arrangements with non-government entities from the Training Act (chapter 41, title 5, U.S. Code). NSA is currently exempt from certain restrictions in the Training Act pertaining to payment of travel allowances to individuals assigned to long-term training overseas.

Subsection (b)(2) reaffirms NSA's authority to arrange for training and instruction for civilian and military cryptologic personnel with other Government agencies and at non-government institutions. In addition, it would exempt NSA from the limitations of the Training Act. This subsection would permit better use of other government facilities and greater and more effective use of private institutions, particularly institutions that indicate a willingness to enter into cooperative arrangements of mutual benefit. NSA already trains the bulk of its linguists at government facilities and will continue to do so. This provision would facilitate the training of cryptologic linguists and analysts at non-government educational institutions.

Subsection (b)(3) provides statutory authority to support directly programs undertaken by institutions that furnish language and language-related skills that are unique to the cryptologic mission, and to provide assistance to cooperating educational institutions that agree to maintain such programs of instruction or expertise. This subsection reaffirms authority to contract or cooperate with educational institutions under existing contracting authority of the Inter-Governmental Personnel Act of 1970 and the Training Act.

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The subsection provides new authority with respect to grants to such institutions and some cooperative arrangements.

In connection with the authority in subsection (b)(3), it is expected that the program will involve relationships with a few institutions at the outset and undergo a modest expansion over the long term depending on experience and future requirements. NSA expects to enter into cooperative arrangements with educational institutions to support the retention of an existing language capability or the establishment of a language capability for which NSA has a requirement. NSA is particularly interested in supporting language programs in the more esoteric languages for which other sources of students and instruction do not exist. NSA's relationship with educational institutions would be conducted pursuant to the provisions of Section 2-203 of Executive Order 12036.

Subsection (b)(4) provides statutory authority to obtain and retain on both short- and long-term bases instructors, linguists or special project personnel, as required to provide training or perform language-related tasks. Personnel obtained on a long-term basis would be afforded the opportunity, which most now lack, to participate in the Civil Service Retirement Program with the goal of making continued employment more attractive. This provision also affirms the authority to obtain the services of such personnel by contract, provided they are not permitted access to classified information as that term is defined by section 304 of the Internal Security Act of 1950 (50 U.S.C. 834), unless they meet the standards of that law and such access is necessary. Public Law 88-290 defines that term to mean the categories of information specifically designated by a U.S. Government Agency for limited or restricted dissemination or distribution (classified cryptologic information as enumerated in section 798 of title 18, U.S. Code).

This subsection reaffirms existing authority to contract for such services, provides a new exemption from the provisions of the Service Contract Act of 1965 (79 Stat. 1034), and provides new authority to permit such personnel to participate in the Civil Service Retirement Program provided they make the required contribution. NSA currently retains the services of a small number of instructors and special project personnel. These personnel are needed primarily to offer advanced instruction or services not available elsewhere, in-house instruction not requiring travel, and instruction in unique terminology and communication.

Subsection (b)(5) authorizes payment of the expenses of tuition and other charges for the training of current and former or retired military and civilian cryptologic personnel or other qualified individuals who are assigned or detailed for language and related training, orientation, or instruction. This subsection reaffirms existing authority with respect to current civilian and military cryptologic linguist personnel and adds new authority concerning those personnel who agree to enter the cryptologic linguist reserve program. This provision, in conjunction with subsection (b)(2), will greatly facilitate the training of the limited number of current NSA personnel and members of the linguist reserve program who are unable to utilize government training programs.

Subsection (b)(6) authorizes the payment of appropriate benefits and allowances to current and former or retired personnel assigned to training at other government facilities or private institutions.

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This subsection reaffirms existing authority with respect to current civilian and military cryptologic linguist personnel, and adds new authority concerning those personnel who agree to enter the cryptologic linguist reserve program. In addition, the subsection provides authority to pay travel and relocation benefits and allowances in accordance with chapters 57 and 59 of title 5, U.S. Code, to individuals assigned to long-term training away from their current post. This subsection provides new authority which removes restrictions contained in the Training Act in connection with long-term domestic training assignments. Such restrictions have constituted disincentives to such assignments which include, for example, lengthy language training programs. The subsection also clarifies existing authority concerning overseas assignments with respect to the applicability of chapter 59.

Subsection (b)(7) authorizes the payment of special monetary or other incentives without regard to restrictions in law pertaining to dual compensation, in order to encourage civilian cryptologic personnel to acquire and retain proficiency in foreign languages or special related abilities needed by NSA (military personnel incentives are authorized separately in the Defense Authorization Act.) In addition, this subsection authorizes the payment of special monetary incentives to former or retired NSA employees and military cryptologic personnel or other qualified individuals who agree to retain existing language proficiency skills and to return to active service with NSA during periods of emergency need as determined by the Director, NSA. This latter authority would provide the basis for a cryptologic linguist reserve to meet crises and surge requirements.

This subsection provides new authority. It is anticipated that modest incentives would be provided to retain skilled linguists in existing critical positions and to encourage qualified linguists to obtain second or third language skills to broaden their usefulness, particularly with respect to esoteric languages of varying importance. Although no final decisions have been made on the incentive program for current employees, a specified monthly amount tied to one or more skill levels is an option currently under consideration. Both the CIA and the Foreign Service provide such monetary incentives to their employees who acquire new or maintain existing language skills. For the cryptologic linguist reserve program, NSA anticipates the establishment of a yearly incentive of less than $1,000, subject to increase due to inflation, coupled with the payment of training expenses and the payment of the difference between retirement compensation and the comparable salary level for the position being filled during the time the individual returns to duty. The creation of this cryptologic linguist reserve is not expected to interfere with the operation of existing military cryptologic linguist reserve units. The NSA cryptologic linguist reserve is expected to be composed of civilians with the requisite skills, most of whom are likely to be retired former NSA employees, who are not engaged in full-time employment and are, therefore, available for immediate recall to service by the Director of NSA.

Subsection (b)(8) provides for the payment of the expenses of tuition and related costs of language and orientation training for family members of personnel assigned overseas. NSA expects to continue its present practice of using existing NSA or Foreign

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Service Institute programs for the training of family members of a limited number of personnel. The new authority would only be used when such individuals are assigned to overseas positions and either time does not permit use of those facilities or the requisite course of training is not available. Similar benefits are available to the families of Defense attaches, a larger number of CIA personnel, and all Foreign Service Officers.

Subsections (b)(9) and (b)(10) provide for the recoupment of the expenses of training provided under this section should a current employee elect not to serve for the requisite period of time specified in section 4108 of title 5, U.S. Code. Current employees would be subject to the provisions of section 4108. Cryptologic linguist reserve personnel would be subject to the recoupment provision should they refuse to return to work when requested. The provisions of section 4108 are not generally applicable to this category of personnel as it is not possible to apply a 3-for-1 service requirement, nor is it likely that they would be employed by some other agency of the government. The Director is accorded the authority to waive this requirement where equity or the public interest dictates such a waiver.

SEC. 509. ADMINISTRATIVE PROVISIONS RELATING TO THE FEDERAL BUREAU OF INVESTIGATION.—This section provides certain administrative authorities needed for the collection of foreign intelligence and foreign counterintelligence by the FBI. Since FY 1979 similar FBI authorities for both law enforcement operations and collection of foreign intelligence and foreign counterintelligence have been provided in the annual Justice Department authorization bills and continuing resolutions. The purpose of section 509 is to provide permanent authorities for the collection of foreign intelligence and foreign counterintelligence and to modify certain requirements that are inappropriate in this field.

In general, the FBI would be authorized to lease property, enter into contracts, purchase property, establish proprietaries, use proceeds therefrom to offset expenses, and deposit funds in banks in a manner that conceals its identity or role. Such activities could be conducted without regard to any other federal law which might otherwise cause the Government's role to be divulged.

Chapter 33 of title 28 is the permanent statutory authority for the FBI. Section 509 amends this chapter to add a new section 538 entitled "special authorities for foreign intelligence and foreign counterintelligence purposes." This amendment does not address FBI activities undertaken solely for the detection and prosecution of crimes against the United States. The enactment of express authorities for foreign intelligence and foreign counterintelligence purposes is not intended to prejudice possible reliance on implied authorities for law enforcement.

Subsection (a) of new section 538(a) authorizes the FBI to engage in specified activities in a manner which conceals its identity or role, e.g., under cover or pretext. This authority may be exercised under three basic conditions.

First, the activities are to be engaged in for the purpose of collecting foreign intelligence and foreign counterintelligence authorized by law. Such responsibilities are vested in the FBI by statute and Executive order, and they are subject to congressional over-

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sight by the House and Senate Intelligence Committees under section 501 of the National Security Act of 1947.

Second, the activities are to be engaged in pursuant to procedures established by the Attorney General. Such procedures should include requirements deemed appropriate by the Attorney General, in consultation with the FBI Director, for prior certification by designated officials of the necessity for activities authorized by this section. These requirements may vary in accordance with such factors as the amount of money involved, the duration of the activity, the fiscal risk, and the degree of sensitivity of the proposed actions (e.g., passive intelligence gathering versus active commercial operation) or subjects (e.g., foreign governments versus U.S. persons) of the intelligence or counterintelligence activity. Ordinarily, the prior approval of the Director of the FBI or a designated Assistant Director should be required, except in insignificant or routine cases or emergencies which would be appropriately authorized by field office heads. The procedures should also specify criteria for cases in which prior approval by the Attorney General or his designee would be required. The Committee also expects that a review mechanism would be established, including periodic assessments of the implementation of this provision with a view to determining what, if any, changes are needed in the statute or the implementing procedures. The Attorney General's guidelines for domestic undercover activities issued on January 5, 1981, may provide a useful starting point in the development of procedures to implement section 538(a). However, section 538(a) procedures may vary from the law enforcement guidelines to take into account the different characteristics of foreign intelligence and foreign counterintelligence collection activities. The Committee expects to be consulted prior to adoption of these procedures.

Third, the activities are to be engaged in only if public knowledge that the Government is involved in the activity could reasonably be expected to inhibit or otherwise interfere with the authorize collection of foreign intelligence or foreign counterintelligence.

Subject to these basic conditions, the FBI is authorized to engage in five types of activities in a manner which conceals its identity or role for the purpose of collecting foreign intelligence and foreign counterintelligence.

(1) The FBI may lease, rent or otherwise contract for real property, personal property and personal services within the United States, the District of Columbia, and the territories and possessions of the United States.

(2) The FBI may purchase property, buildings or other facilities and construct or alter such property, buildings or facilities as may be necessary to carry out its responsibilities to collect foreign intelligence and foreign counterintelligence.

(3) The FBI may establish or acquire proprietary corporations or other business entities and operate such on a commercial basis. Any such entity may engage in any activity which may be engaged in by the FBI including all activities described in this section. However, it is intended that the purposes for which such entity is established and operated should relate to the collection of foreign intelligence and foreign counterintelligence.

(4) The FBI may use the proceeds generated by an activity authorized by this section, such as the establishment and operation of

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a business entity, to offset necessary and reasonable expenses incurred in such activity. The balance of such proceeds shall be deposited in the Treasury of the United States as miscellaneous receipts upon the completion of the activity or sooner if the same can be accomplished without risk of compromising the activity.

(5) The FBI may deposit appropriated funds and proceeds derived from an activity authorized by this section in banks or other financial institutions.

Subsection (b) of new section 538 provides for external review whenever any FBI proprietary authorized by this section whose net value exceeds $150,000 is to be liquidated, sold, or otherwise disposed of. As much in advance as the FBI Director or his designee shall determine is practicable, the FBI shall report the circumstances of the intended liquidation, sale, or other disposition to the Attorney General and to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. Reporting to the Intelligence Committees is in lieu of the requirement in the Justice Department authorization language that reports be made to the Comptroller General. Section 538(b) also requires that the proceeds from the liquidation, sale, or other disposition, after all obligations and costs of the proprietary have been met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

Subsection (c) of new section 538 provides that section 538 shall not be modified, limited, suspended or superseded by any provision enacted after the effective date of this section unless the subsequent provision expressly modifies or suspends this section.

Section 538 makes several changes in the requirements contained in previous annual Justice Department authorization language. First, as permanent legislation, it eliminates the need for annual re-enactment of authority. The Select Committee on Intelligence has determined that the types of activities engaged in by the FBI in this area should be based on specific, permanent legal authority to enhance the effectiveness of its collection of foreign intelligence and foreign counterintelligence. Second, the amendment eliminates specific statutory requirements for written certifications by the FBI Director and the Attorney General that each action is necessary for the conduct of an undercover operation. The Select Committee on Intelligence has concluded that such requirements are unnecessarily rigid for activities in the foreign intelligence and foreign counterintelligence field and that the Attorney General should have the discretion to establish appropriate certification and review procedures in consultation with the FBI Director. Finally, the provisions for external review of the disposition of proprietaries are modified to apply when the value exceeds $150,000 (rather than $50,000) and to require reporting to the House and Senate Intelligence Committees (instead of the Comptroller General). The Select Committee believes these modifications establish a more realistic and appropriate procedure for such review in this field.

The Select Committee's recommendations are based on the continuing review of FBI foreign intelligence and foreign counterintelligence collection activities that the Committee has conducted through the intelligence budget authorization process and other oversight practices. The Select Committee will continue to examine

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such activities to provide appropriate oversight. Moreover, the FBI is required to keep the Select Committee fully and currently informed of such activities in accordance with the provisions of Section 501 of the National Security Act of 1947.

SEC. 510. PROTECTION OF INTELLIGENCE PERSONNEL.—This section amends or adds new penalties to the criminal code to provide greater protection for the personal safety of intelligence agency employees, individuals who are admitted to permanent residency in the United States because of their contribution to our nation's intelligence efforts, and persons present in our country under the auspices of the Intelligence Community.

Subsection (a) amends section 1114 of title 18, United States Code, to make the murder or manslaughter of an officer or employee of the Intelligence Community a federal crime, if the officer or employee was performing his official duties when the act was committed, or if the act was committed to account of the performance of his official duties. Inclusion of the phrase "not already covered under the terms of this section" takes cognizance of the fact that the intelligence element of one entity within the Intelligence Community, the Federal Bureau of Investigation, is already covered under current law, which includes a broad spectrum of federal officers and employees.

The amendment is intended to correct a serious and incongruous omission in current law by giving officers and employees of the Intelligence Community the protection of 18 U.S.C. 1114. The amendment defines Intelligence Community as in section 4-207 of Executive Order 12036 ("United States Intelligence Activities," January 24, 1978) or its successors. The amendment also enlarges the protections afforded all of the agencies, departments and officials listed in section 114 of title 18 by extending federal jurisdiction to include "attempts to kill." Attempts to murder would be punishable by imprisonment for not more than twenty years.

In addition, inclusion in 18 U.S.C. 1114 of "officers or employees of any department or agency within the Intelligence Community" automatically extends to such individuals, by statutory reference, the protections afforded under 18 U.S.C. 111, "Assaulting, resisting, or impeding certain officers or employees [of the United States.]"

Subsection (b) amends Chapter 51 of title 18, United States Code, by adding a new section 1118 entitled "Murder, manslaughter, assaults, threats, extortion, or kidnapping of persons given entry into the United States for permanent residence pursuant to section 7 of the Central Intelligence Agency Act of 1949." Persons who have been given entry into the United States under that section (50 U.S.C. 403h) ("section 7 persons") are admitted to permanent residence because of their special contributions to the national intelligence mission. These are persons who have worked to furthr the national security interests of the United States in foreign countries, placing their careers and lives in jeopardy. These individuals, who may have been calandestine intelligence agents, sources or defectors, often reside in the United States under assumed identities and sometimes continue to provide ongoing assistance to the foreign intelligence activities of the United States. Subsection (a) of proposed section 1118 would make the murder, manslaughter, or attempted murder of such individuals a federal crime and would fix punishment for the criminal acts. Subsection (b) of proposed sec-

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tion 1118 would make conduct proscribed by section 112, 878, and 1201 of title 18 federal crime offenses when such conduct is directed against section 7 persons in the United States. Offenses which would be covered include assaults, threats, extortion, and kidnapping.

Section 7 persons merit the protection of federal jurisdiction over certain criminal acts directed against them. Such acts may be directed against these persons precisely because of the activities which led to their having been given entry into the United States under the CIA Act, and federal jurisdiction is thus in the national security interest of the United States. It is understood by the Executive Branch and the Committee that federal jurisdiction will be invoked only where there is reason to believe that there is, in fact, a connection between an individual's status as a section 7 person (or the events that gave rise to such status) and the conduct directed against such person.

Subsection (c) amends Chapter 51 of title 18, United States Code, by adding a new section 1119 entitled "Murder, manslaughter, assaults, threats, extortion, or kidnapping of persons present in the United States under intelligence auspices." Persons in the United States under the auspices of departments or agencies within the Intelligence Community generally include foreign nationals whose temporary presence in the United States furthers United States intelligence objectives. This category of individuals could include intelligence sources, members of foreign intelligence services, and foreign nationals working abroad for the United States. According such persons the protection of federal jurisdiction over certain criminal acts directed against them is in the national security interest of the United States.

Subsection (a) of new section 1119 of title 18 would make the murder, manslaughter, or attempted murder of such individuals a federal crime and would fix punishment for the criminal acts. Subsection (b) of proposed section 1119 would make conduct proscribed by sections 112, 878, and 1201 of title 18 federal criminal offenses when such conduct is directed against a person present in the United States under intelligence auspices. Offenses which would be covered include assaults, threats, extortions, and kidnapping.

Title IV—Defense Intelligence Agency Personnel Management

During its authorization hearings, the Committee considered the personnel management systems of the three major components of the intelligence community—CIA, NSA, and DIA—and their impact on the quality of intelligence analysis. It was evident that DIA does not have the same flexibility currently available to CIA and NSA under applicable statutes. As a consequence, DIA has been significantly handicapped in its ability to recruit and reward outstanding analysts and other intelligence specialists and otherwise to operate an affective civilian personnel system. If the benefits of "competitive analysis," a concept which both Administration and the Committee strongly suport, are to be realized, it is imperative that DIA have analytical capabilities comparable to its sister agencies. Title VI of the bill responds to this problem by, among other things, exempting DIA from classification provisions of civil

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service laws; authorizing DIA to establish a Senior Defense Intelligence Executive Service comparable to the government-wide Senior Executive Service; and giving authority to the Secretary of Defense to terminate any civilian employee of DIA if he deems it advisable in the interests of the United States, notwithstanding the procedures of title 5, U.S. Code.

The Committee believes that title VI would enhance DIA's capabilities to attract and retain high quality personnel in competition with other intelligence agencies. Flexibility to establish additional civilian executive positions would permit the Agency to develop and retain adequate in-house expertise on the broad geographical and topical intelligence interests to meet growing intelligence requirements. Further, through the Senior Defense Intelligence Service, senior executive would be provided incentives for performance and rewarded for excellence. Classification authority would be obtained to permit establishment of compensation based on individual capabilities and ensure timely assignment and utilization of high quality personnel to meet changing emphasis in intelligence interests. DIA would achieve maximum utilization of authorized manpower through enhanced and simplified authorities for termination of employees determined to be unacceptable. Finally, by exempting DIA from certain government-wide disclosure requirements the personnel system could function more effectively and ensure essential protection of national security information.

DIA states that title VI will result in additional costs, the actual amount of which cannot be accurately determined. However, these costs are estimated to be relatively small and will be absorbed within authorized appropriation levels. It is anticipated title VI will be offset by efficiencies to be realized by relief from current cumbersome procedures.

SECTIONAL ANALYSIS

SEC. 601. This section provides that title VI may be cited as the "Defense Intelligence Agency Personnel Management Act of 1981".

SEC. 602. This section amends title 10, United States Code, by adding a new section 1587 which authorizes the Secretary of Defense to establish an integrated civilian personnel management system within the Defense Intelligence Agency (DIA). New section 1587 would accomplish the following:

Subsection (a) authorizes the Secretary of Defense to establish positions, appoint individuals and fix pay in relation to the General Schedule (GS) and Senior Executive Service (SES) rates.

Subsection (b) authorizes the Secretary of Defense to establish a Senior Defense Intelligence Executive Service within the DIA and to pay personnel appointed to it in accordance with the pay prescribed in the Civil Service Reform Act for the Senior Executive Service.

Using its enabling statutory authority, CIA has established an executive service patterned on the Senior Executive Service. DIA and NSA were excluded from provisions of the Senior Executive Service established under the Civil Service Reform Act of 1978. The Committee wishes to note with approval earlier initiatives to secure legislation to authorize NSA to establish a Senior Cryptologic Executive Service. A measure sponsored by Senators Ma-

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thias, Goldwater, Chafee and Durenberger was reported by the Committee on October 2, 1980 (S. 2216, Senate Rep. No. 96-1014.) No floor action was taken on that bill in the 96th Congress, but renewed efforts are expected in the current Congress.

Subsection (b)(1) authorizes up to 27 positions to be established for the Senior Defense Intelligence Executive Service and to be paid at rates provided for the Senior Executive Service.

Subsection (b)(2) authorizes additional positions for certain professional engineers, scientists and military intelligence analysts to be paid at rates provided for the Senior Executive Service and an oversight provision by which the Secretary of Defense can review the number of positions so established.

Subsection (b)(3) provides the authorization necessary to award ranks to appointees in the Senior Defense Intelligence Executive Service comparable to ranks available to appointees in the Senior Executive Service.

Subsection (b)(4) places limits on the number of ranks allowed during any fiscal year comparable to that for the Senior Executive Service.

Subsection (b)(5) specifies the amount of pay associated with rank awards comparable to that for the Senior Executive Service.

Subsection (b)(6) provides the authorization necessary to grant sabbaticals to appointees in the Senior Defense Intelligence Executive Service to the same extent as is available to appointees in the Senior Executive Service.

Subsection (b)(7) removes the current limitations on accumulation of annual leave for appointees in the Senior Defense Intelligence Executive Service the same as such limitations was removed from appointees in the Senior Executive Service.

Subsection (b)(8) provides for a report to Congress concerning operation under the Senior Defense Intelligence Executive Service.

Subsection (c) authorizes a prevailing rate system of basis compensation for positions in or under which the Agency may employ individuals in a trade, craft or manual labor occupation.

Subsection (d) authorizes additional compensation for employees stationed outside the continental United States or in Alaska at rates not to exceed those authorized by 5 U.S.C. 5941(a).

Subsection (e) would permit DIA to withhold disclosure of information on the organization, function, activities, or personnel appointed except for information required by Congress to accomplish normal functions.

Subsection (f) would authorize the Secretary of Defense to terminate employment of any civilian member whenever he deems such termination necessary or advisable in the interest of the United States. Termination authority may be delegated only to the Deputy Secretary of Defense and the Director, Defense Intelligence Agency. Termination action would be appealable to the Secretary of Defense.

SEC. 603. This section provides for early retirement for those removed from the Senior Defense Intelligence Executive Services for less than fully successful performance, similar to provisions for the retirement of Senior Executive appointees. Those who do not meet the age or service requirements for early retirement would be reassigned to another Senior Executive position or moved to a non-

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Senior Defense Intelligence Executive Service Position elsewhere in the Agency at a level equivalent to GS-15.

SEC. 604. This section amends section 2108 of title 5 of the United States Code to exclude from the definition "preference eligible" applicants for, or members of, the Senior Defense Intelligence Executive Service.

SEC. 605. This section amends 5 U.S.C. 5102(a)(1) to remove the Defense Intelligence Agency from the coverage of the General Schedule classification and pay system; amends 5 U.S.C. 5342(a)(1) to remove the Defense Intelligence Agency from the coverage of the Federal Wage System; and amends 5 U.S.C. 7103(a)(3) to expressly exempt the Defense Intelligence Agency by law from coverage under the Labor Management Relations provisions of title 5.

SEC. 606. This section specifies the date on which the provision of title VI will take effect.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * * * *

TITLE 5—GOVERNMENT ORGANIZATION

* * * * * * *

PART III—EMPLOYEES

Subpart A—General Provisions

CHAPTER 21—DEFINITIONS

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§ 2108. Veteran; disabled veteran; preference eligible

For purposes of this title—

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(3) "preference eligible" means, except as provided in paragraph (4) of this sectoin—

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but does not include applicants for, or members of, the Senior Executive Service, *the Senior Defense Intelligence Executive Service,* or the General Accounting Office.

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Subpart D—Pay and Allowances

CHAPTER 51—CLASSIFICATION

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§ 5102. Definitions, application

(a) For the purpose of this chapter * * *

(1) "agency" means—

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but does not include * * *

(vii) the Panama Canal Commission;

(viii) the National Security Agency, Department of Defense; [or]

(ix) the General Accounting Office: *or*

(x) the Defense Intelligence Agency, Department of Defense;

* * * * * * *

CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER IV—PREVAILING RATE SYSTEMS

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§ 5342. Definition; application

(a) For purposes of this subchapter—

(1) "agency" means an executive agency; but does not include—

* * * * * * *

(H) the National Security Agency, Department of Defense;

(I) the Bureau of Engraving and Printing, except for the purposes of section 5349 of this title; [or]

(J) the General Accounting Office; *or*

(K) the Defense Intelligence Agency, Department of Defense;

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Subpart F — Employee Relations

CHAPTER 71—POLICIES

SUBCHAPTER I—EMPLOYEE ORGANIZATIONS

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§ 7103. Definitions; application

(a) For the purpose of this chapter—

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(3) "agency" means an Executive agency (including a non-appropriated fund instrumentality described in section 2105(c) of this title and the Veterans' Canteen Service, Veterans' Admin-

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istration), the Library of Congress, and the Government Printing Office, but does not include—

* * * * * * *

(F) the Federal Labor Relations Authority; [or]
(G) the Federal Service Impasses Panel; *or*
(H) the Defense Intelligence Agency;

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Subpart G—Insurance and Annuities

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CHAPTER 83—RETIREMENT

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SUBCHAPTER III—CIVIL SERVICE RETIREMENT

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§ 8336. Immediate retirement

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(j)(1) * * *

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(k) A member of the Senior Defense Intelligence Executive Service who is removed from the Senior Defense Intelligence Executive Service for less than fully successful performance after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

[(k)] *(1)* * * *

* * * * * * *

§ 8339. Computation of annuity

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(h) The annuity computed under subsection (a), (b), (d)(5), and (f) of this section for an employee retiring under [section 8336 (d), (h), or (j)] *section 8336 (d), (h), (j), or (k)* of this title is reduced by ⅙ of 1 percent for each full month the employee is under 55 years of age at the date of separation. The annuity computed under subsections (c) and (f) of this section for a Member retiring under the second or third sentence of section 8336(g) of this title or the third sentence of section 8338(b) of this title is reduced by 1/12 of 1 percent for each full month not in excess of 60 months, ⅙ of 1 percent for each full month in excess of 60 months the Members is under 60 years of age at the date of separation.

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TITLE 10—ARMED FORCES

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Subtitle A—General Military Law

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PART II—PERSONNEL

* * * * * * *

CHAPTER 81—CIVILIAN EMPLOYEES

Sec.
[1580. Repealed]
1581. Appointment; professional and scientific services.
1582. Professional and scientific services: reports to Congress on appointments.
1583. Employment of certain persons without compensation.
1584. Laws relating to employment of non-citizens: not applicable to research and development activities.
1585. Carrying firearms.
1586. Rotation of career-conditional and career employees assigned to duty outside the United States.
1587. Civilian personnel management in the Defense Intelligence Agency.

* * * * * * *

§ 1587. Civilian personnel management in the Defense Intelligence Agency

(a)(1) The Secretary of Defense (or his designee) may, without regard to the provisions of title 5 relating to the establishment of (and appointment to) positions in the civil service—

(A) establish such positions for civilian officers and employees in the Defense Intelligence Agency as may be necessary to carry out the functions of such Agency, and

(B) appoint individuals to such positions.

(2) The Secretary of Defense (or his designee) shall fix the rates of basic pay for positions established under paragraph (1) in relation to the rates of basic pay contained in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. Except for positions in the Senior Defense Intelligence Executive Service, no officer or employee of the Defense Intelligence Agency may be paid basic compensation at a rate in excess of the highest rate of basic pay contained in such General Schedule.

(b)(1) Notwithstanding subsection (a), the Secretary of Defense (or his designee) may establish a Senior Defense Intelligence Executive Service in the Defense Intelligence Agency comparable to the Senior Executive Service established under subchapter II of chapter 31 of title 5. The Secretary of Defense (or his designee) may—

(A) adopt administratively those provisions of title 5 that are necessary to administer the Senior Defense Intelligence Executive Service,

(B) appoint individuals to positions established within the Senior Defense Intelligence Service, and

(C) notwithstanding any limitation on compensation, pay individuals so appointed according to the pay prescribed by title 5 for the Senior Executive Service.

Any provisions so adopted shall be subject to the same limitations imposed by the comparable provisions of title 5, including the limitation on aggregate pay under section 5383(b) of such title.

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(2)(A) The Secretary of Defense (or his designee) may establish not more than 27 positions (and appoint individuals thereto) in the Senior Defense Intelligence Executive Service.

(B) In addition to the positions established under subparagraph (A), the Secretary of Defense (or his designee) may establish and appoint individuals in the Defense Intelligence Agency to—

(i) professional engineering and scientific positions primarily concerned with research, evaluation, and development activities; and

(ii) professional positions in the physical and natural sciences, medicine, and military intelligence.

Such positions shall be in the Senior Defense Intelligence Executive Service.

(3)(A)(i) During any fiscal year, the President, based on the recommendation of the Secretary of Defense may, subject to clause (ii) and subparagraph (B), award to any Senior Defense Intelligence Executive Service appointee the rank of—

(I) Meritorious Defense Intelligence Executive for sustained accomplishment, or

(II) Distinguished Defense Intelligence Executive for sustained extraordinary accomplishment.

(ii) A Senior Defense Intelligence Executive Service appointee awarded a rank under subclause (I) or (II) of clause (i) shall not be entitled to be awarded that rank during the following four fiscal years.

(B) During any fiscal year—

(i) the number of Senior Defense Intelligence Executive Service appointees awarded the rank of Meritorious Defense Intelligence Executive may not exceed 5 per centum of the Senior Defense Intelligence Executive Service; and

(ii) not more than one Senior Defense Intelligence Executive Service appointee or 1 per centum of all Senior Defense Intelligence Executive Service appointees, whichever is greater, may be awarded the rank of Distinguished Defense Intelligence Executive.

(C)(i) A Senior Defense Intelligence Executive Service appointee who is awarded the rank of Meritorious Defense Intelligence Executive or Distinguished Defense Intelligence Executive shall receive a lump sum payment in the amount specified in section 4507(e) (1) or (2) of title 5, respectively.

(ii) Any award under this paragraph shall be in addition to basic pay or any performance awards.

(4) The Director of the Defense Intelligence Agency may, in accordance with the provisions of section 3396(c) of title 5, grant a sabbatical to any Senior Defense Intelligence Executive Service appointee.

(5) Annual leave accrued by an individual while serving in a Senior Defense Intelligence Executive Service position shall not be subject to the limitations on accumulation imposed by section 6304 of title 5.

(6) The Director of the Defense Intelligence Agency shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at the time the budget is submitted by the President to the Congress during each odd-numbered calendar year, a report on the

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Senior Defense Intelligence Executive Service. Such report shall include—

(A) the percentage of senior executives at each pay rate employed at the end of the preceding fiscal year;

(B) the number, distribution, and amount of performance awards paid during the preceding fiscal year; and

(C) the number of individuals removed from the Senior Defense Intelligence Executive Service for less than fully successful performance.

(C) The Secretary of Defense (or his designee) is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provide for prevailing rate systems of basic compensation for positions in or under which the Defense Intelligence Agency may employ prevailing rate employees (within the meaning of section 5342(2)(A) of such title).

(d) Officers and employees of the Defense Intelligence Agency who are citizens or nationals of the United States may be granted additional compensation, in accordance with regulations prescribed by the Secretary of Defense, not in excess of additional compensation authorized by section 5941(a) of title 5 for employees whose rates of basic compensation are fixed by statute.

(e) Nothing in this section or any other law may be construed to require the disclosure of the organization or any function of the Defense Intelligence Agency, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such Agency, except for that information required by the Congress to accomplish normal authorization and appropriation functions.

(f)(1) Notwithstanding the personnel management laws under title 5, or any other law, the Secretary of Defense may, in his discretion, terminate the employment of any civilian officer or employee of the Defense Intelligence Agency whenever he deems such termination necessary or advisable in the interests of the United States.

(2) Any termination under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Office of Personnel Management.

(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Ssecretary of Defense and the Director of the Defense Intelligence Agency. An action to terminate any civilian officer or employee by either such officer shall be appealable to the Secretary of Defense.

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TITLE 18—CRIMES AND CRIMINAL PROCEDURE

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CHAPTER 51—HOMICIDE

Sec.
1111. Murder.
1112. Manslaughter.
1113. Attempt to commit murder or manslaughter.

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1114. Protection of officers and employees of the United States.
1115. Misconduct or neglect of ship officers.
1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons.
1117. Conspiracy to murder.
1118. Murder, manslaughter, assaults, threats, extortion or kidnapping of persons given entry into the United States for permanent residence pursuant to section 7 of the Central Intelligence Agency Act of 1949.
1119. Murder, manslaughter, assaults, threats, extortion, or kidnapping of persons present in the United States under intelligence auspices.

* * * * * * *

§1114. Protection of officers and employees of the United States

Whoever kills *or attempts to kill* any judge of the United States, any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any officer or employee of the Postal Service, any officer or employee of the secret service or of the Drug Enforcement Administration, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, any security officer of the Department of State or the Foreign Service, or any officer or employee of the Department of Health, Education, and Welfare, the Consumer Product Safety Commission, Interstate Commerce Commission, the Department of Commerce, or of the Department of Labor or of the Department of the Interior, or of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions, or any officer or employee of the Veterans' Administration assigned to perform investigative or law enforcement functions, [while engaged in the performance of his official duties, or on account of the performance of his official duties,] *or any officer or employee of any department or agency within the Intelligence Community (as defined in section 4-207 of Executive Order 12036, January 24, 1978, or successor orders), not already covered under the terms of this section,* or any attorney, liquidator, examiner, claim

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agent, or other employee of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration engaged in or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title[.], *except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.*

* * * * * * *

§ 1118. Murder, manslaughter, assaults, threats, extortion, or kidnapping of persons given entry into the United States for permanent residence pursuant to section 7 of the Central Intelligence Agency Act of 1949

(a) Whoever kills or attempts to kill a person given entry into the United States for permanent residence pursuant to the provisions of section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h) shall be punished as provided under sections, 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder * * *

(b) Whoever engages in conduct proscribed by section 112, 878, or 1201 of this title against any person described in subsection (a) shall be punished as provided under those sections.

§ 1119. Murder, manslaughter, assaults, threats, extortion, or kidnapping of persons present in the United States under intelligence auspices

(a) Whoever kills or attempts to kill a person certified by the director of Central Intelligence or his designee to be present in the United States under the auspices of any department or agency within the Intelligence Community (as defined in section 4-207 of Executive Order 12036, January 24, 1978, or successor orders) shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

(b) Whoever engages in conduct proscribed by section 112, 878, or 1201 of this title against any person described in subsection (a) shall be punished under those sections.

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TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

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CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

Sec.

531. Federal Bureau of Investigation.
532. Director of Federal Bureau of Investigation.
533. Investigative and other officials; appointment.
534. Acquisition, preservation, and exchange of identification records; appointment of officials.

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535. Investigation of crimes involving Government officers and employees; limitations.
536. Position in excepted service.
537. Expenses of unforeseen emergencies of a confidential nature.
538. Special authorities for foreign intelligence and foreign counteritelligence.

* * * * * * *

§ 538. Special authorities for foreign intelligence and foreign counterintelligence

(a) Notwithstanding any other provision of law, for the purpose of collecting foreign intelligence and foreign counterintelligence authorized by law and pursuant to procedures established by the Attorney General, the Federal Bureau of Investigation, in a manner which conceals its identity or role if public knowledge that the Government is involved in the activity could reasonably be expected to inhibit or otherwise interfere with collecting such intelligence or counterintelligence, is authorized to—

(1) lease, rent, or otherwise contract for real property, personal property, and personal services within the United States, the District of Columbia, and the territories and possessions of the United States;

(2) purchase property, buildings, or other facilities and construct or alter such property, buildings, or facilities as may be necessary;

(3) establish or acquire proprietary corporations or other business entities to engage in any activity which may be engaged in by the Federal Bureau of Investigation, including all activities described in this section, and operate such corporations and entities on a commercial basis;

(4) use the proceeds generated by an activity authorized by this section to offset necessary and reasonable expenses incurred in such activity, with any remaining balance to be deposited in the Treasury of the United States as miscellaneous receipts upon the completion of the activity or sooner if the same can be accomplished without risk of compromising the activity; and

(5) deposit appropriated funds and proceeds derived from an activity authorized by this section in banks or other financial institutions.

(b) Whenever a corporation or other business entity which was established or acquired pursuant to paragraph (3) of subsection (a) and which has a net value in excess of $150,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee shall determine is practicable, shall report the circumstances of the intended liquidation, sale, or other disposition to the Attorney General and to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. The proceeds from the liquidation, sale, or other disposition, after all obligations and costs of such corporation or entity have been met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) This section shall not be modified or superseded by any provision of law enacted after the date of enactment of this section unless such provision expressly modifies or supersedes this section.

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(61 Stat. 495)

Chapter 343, as amended

AN ACT To promote the national security by providing for a Secretary of Defense; for a National Military Establishment; for a Department of the Army, a Department of the Navy, and a Department of the Air Force; and for the coordination of the activities of the National Military Establishment with other departments and agencies of the Government concerned with the national security

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947".

* * * * * * *

ADVISORY COMMITTEES AND PERSONNEL

SEC. 303. (a) The Secretary of Defense, the Administrator of General Services, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this Act, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of the agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personel so employed may serve without compensation or may receive compensation [at a rate not to exceed $50 for each day of service] *for each day of service at a rate not to exceed the daily equivalent of the rate of pay in effect for grade GS-18 under the General Schedule established by section 5332 of title 5, United States Code.*

(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of sections [281, 283, or 284] *203, 205, or 207* of title 18, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested.

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(63 Stat. 208)

CHAPTER 227, as amended

AN ACT To provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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GENERAL AUTHORITIES

SEC. 5. In the performance of its functions, the Central Intelligence Agency is authorized to—

* * * * * * *

(d) [Authorize couriers and guards designated by the Director to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;] *Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, including but not limited to the protection of classified materials and information, the training of Agency personnel in the use of firearms, the maintenance of security of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices; and*

* * * * * * *

MISUSE OF AGENCY NAME, INITIALS, OR SEAL

SEC. 13. (a) No person shall, except with the written permission of the Director, knowingly use the words "Central Intelligence Agency", the initials "C.I.A.", the seal of the Central Intelligence Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency.

(b) Whenever it shall appear to the Attorney General that any person is engaged or about to engage in any acts or practices which constitute or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin any such acts or practices. Such court shall proceed as soon as practicable to the hearing and determination of such action, and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section shall be governed by the Federal Rules of Civil Procedure.

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(73 Stat. 63)

As amended

AN ACT To provide certain administrative authorities for the National Security Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "National Security Agency Act of 1959."

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SEC. 9. (a)* * *

(b) The Director of the National Security Agency, on behalf of the Secretary of Defense, may provide to certain civilian and military personnel of the Department of Defense who are assigned to special cryptologic activities outside the United States and who are designated by the Secretary of Defense for purposes of this subsection—

(1) allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under [paragraphs (1), (2), (7), (9), (10), and (11) of section 911, and under sections 912, 914, 933, 941, 942, and 945, of the Foreign Service Act of 1946 (22 U.S.C. 1136 (1), (2), (7), (9), (10), (11), 1137, 1138a, 1148, 1156, 1157, 1160); and] *chapter 9 of the Foreign Service Act of 1980 or under any other provision of law applicable to the Foreign Service, or by the Director of Central Intelligence to personnel serving in similar circumstances; and*

* * * * * * *

SEC. 10. (a)—the Director of the National Security Agency, on behalf of the Secretary of Defense, may, without regard to section 4109(a)(2)(B) of title 5, United States Code, pay travel, transportation, storage, and subsistence expenses under chapter 57 of such title to civilian and military personnel of the Department of Defense who are assigned to duty outside the United States for a period of one year or longer which involves cryptologic training, language training, or related disciplines.

(b) Notwithstanding the provisions of chapter 41 of title 5, United States Code, the Director of the National Security Agency, on behalf of the Secretary of Defense, shall arrange for appropriate language and related training of military and civilian cryptologic personnel. In the exercise of this function, the Director may—

(1) provide for the training and instruction to be furnished, including functional and geographic area specializations;

(2) arrange for training and instruction with other Government agencies and at nongovernmental institutions that furnish training and instruction useful in the fields of language and foreign affairs;

(3) support, through contracts, grants, cooperation with educational institutions, or through other means, programs that furnish necessary language and language-related skills;

(4) Obtain without regard to the Service Contract Act of 1965, by appointment or contract (subject to the availability of appropriations), the services of individuals as language instructors,

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linguists, or special project personnel. An individual whose services are obtained by contract, shall be considered an employee for purposes of subchapter III of chapter 83 of title 5 if such individual gives notice in writing to the National Security Agency of a desire to become subject to such subchapter and, consistent with section 8332(k)(2) of such title, deposits an amount equal to retirement deductions representing any period in which the individual was previously so employed by the National Security Agency. A contractor or contractor's employee engaged under this provision may not be provided access to classified information, as defined in section 304 of the Internal Security Act of 1950 (50 U.S.C. 834), unless such individual meets the standards contained in such Act;

(5) pay all or part of the tuition and other expenses related to the training of current and former military and civilian cryptologic personnel who are assigned or detailed for language and related training, orientation, or instruction;

(6) pay benefits and allowances to current personnel and former military and civilian cryptologic personnel or other individuals in the cryptologic linguist reserve assigned to training at sites away from their normal duty station, in accordance with chapters 57 and 59 of title 5, United States Code;

(7) provide without regard to subchapter IV of chapter 55 of title 5, United States Code, special monetary or other incentives to encourage civilian cryptologic personnel to acquire or retain proficiency in foreign languages or special related abilities needed by the National Security Agency, including special monetary incentives to former or retired civilian employees and military cryptologic personnel or other qualified individuals who agree to retain proficiency in such languages or abilities and to return to active civilian service with the National Security Agency during periods of emergency need as determined by the Director;

(8) provide to family members of military and civilian cryptologic personnel, in anticipation of their assignment abroad or while abroad, appropriate orientation and language training, including the payment of the expenses of tuition or other necessary costs of instruction at a public or private institution in the United States or abroad (in the case of individuals abroad), if such instruction is directly related to the assignment abroad;

(9) obtain an agreement from (A) current employees pertaining to continuation of service and repayment of such training that is consistent with the provisions of section 4108 of title 5, United States Code, and (B) former or retired employees pertaining to repayment of expenses of such training and return to service when requested; and

(10) waive in whole or in part a right of recovery under paragraph (9), if it is shown that the recovery would be against equity and in good conscience or against the public interest.

* * * * * * *

MISUSE OF AGENCY NAME, INITIALS, OR SEAL

SEC 12. (a) No person shall, except with the written permission of the Director of the National Security Agency, knowingly use the

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words "National Security Agency", the initials "N.S.A.", the seal of the National Security Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

(b) Whenever it shall appear to the Attorney General that any person is engaged or about to engage in any acts or practices which constitute or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin any such acts or practices. Such court shall proceed as soon as practicable to the hearing and determination of such action, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section shall be governed by the Federal Rules of Civil Procedure.

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