

A BILL

To authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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 "Intelligence Authorization Act for Fiscal Year 1983".

TITLE I - INTELLIGENCE ACTIVITIES

Authorization of Appropriations

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1983 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Intelligence Community Staff.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Department of State.
- (8) The Department of the Treasury.
- (9) The Department of Energy.
- (10) The Federal Bureau of Investigation.

Classified Schedule of Authorizations

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1983, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany _____ of the Ninety-seventh Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

Congressional Notification of Expenditures
in Excess of Program Authorizations

SEC. 103. During fiscal year 1983, funds may not be made available for any activity for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity.

Conduct of Intelligence Activities

SEC. 104. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

TITLE II - INTELLIGENCE COMMUNITY STAFF

Personnel

SEC. 201.(a) Personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1983, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1983, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

Intelligence Community Staff Administered in Same
Manner as Central Intelligence Agency

SEC. 202. During fiscal year 1983, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403m) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III - CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM

Authorization of Appropriations

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1983

TITLE IV - TECHNICAL PROVISIONS

Increases in Employee Benefits Authorized by Law

SEC. 401. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Compliance with Section 607 of P.L. 93-344, the
Congressional Budget and Impoundment Control Act of 1974

SEC. 402. There are authorized to be appropriated for fiscal year 1984 such sums as may be necessary for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability Fund.

Amendment to Section 3 of Central Intelligence
Agency Act of 1949

SEC. 403. (a) Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by adding at the end thereof the following new subsection:

"(e) Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), including specifically subsection 111(e) of that Act, is not applicable to the procurement by the Central Intelligence Agency of automatic data processing equipment or services."

(b) Subsection 3(e) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c), as added by subsection (a) of this section, does not apply to a contract made before the date of enactment of this Act.

TITLE V - DEFENSE INTELLIGENCE AGENCY PROVISIONS

Unauthorized Use Of Defense
Intelligence Agency Name,
Initials, Or Seal

SEC. 501. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"140c. Secretary of Defense: Use of Defense Intelligence Agency Name, Initials, or Seal

"(a) No person may, except with the written permission of the Secretary of Defense or his designee, knowingly use the words 'Defense Intelligence Agency', the initials 'DIA', the seal of the Defense 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 Defense Intelligence Agency.

"(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes 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 such act or practice. 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."

(b) The table of sections at the beginning of chapter 4 of title 10 is amended by adding at the end thereof the following new item:

"140c. Secretary of Defense: Use of DIA Name, Initials, or Seal."

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983

SECTIONAL ANALYSIS
AND
EXPLANATION

TITLE I

INTELLIGENCE ACTIVITIES

Section 101 lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1983.

Section 102 makes clear that details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and personnel ceilings covered under this title for fiscal year 1983 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated into the Act by this section.

Section 103 requires that no funds may be appropriated or otherwise made available through transfer, reprogramming, etc., unless specifically authorized or accompanied by notification. It is understood that specifically authorized intelligence activities are those activities described in annual budget justification material as modified by the Congress. The notification requirement is not intended to apply to reprogrammings below agreed-to dollar thresholds, releases from authorized contingency funds, or to Economy Act transactions for specific activities otherwise authorized by law. Notification required under this provision is normally expected to be made at least fifteen days prior to completion of the funding transaction, but it is recognized that circumstances may occasionally require later notification.

Should questions arise as to the relationship between section 103 and section 501 of the National Security Act of 1947, it is expected that resolution will be guided by the principles of comity and mutual understanding set forth in the legislative history accompanying the statutory intelligence oversight provisions enacted in 1980.

Section 104 makes clear that, with the exception of any specific legislative authorities which may be contained in the Intelligence Authorization Act for Fiscal Year 1983, the Act is intended only to authorize appropriations and does not constitute authority for the conduct of any intelligence activity prohibited by the Constitution or laws of the United States.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Subsection 201(a) provides that personnel of the Intelligence Community Staff may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection 201(b) requires that detailed employees be selected so as to provide appropriate representation from the various departments and agencies engaged in intelligence and intelligence-related activities.

Subsection 201(c) requires that personnel be detailed on a reimbursable basis except for temporary situations.

Section 202 provides that the Director of Central Intelligence shall utilize existing statutory authority to manage the activities and to pay the personnel of the Intelligence Community Staff. This language reaffirms the statutory authority of the Director of Central Intelligence and clarifies the legal status of the Intelligence Community Staff. In the case of detailed personnel it is understood that the authority of the Director of Central Intelligence to discharge personnel extends only to discharge from service at the Intelligence Community Staff and not from federal employment or military service.

TITLE III

CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Section 301 authorizes fiscal year 1983 appropriations
for the Central Intelligence Agency Retirement and Disability
Fund.

TITLE IV

TECHNICAL PROVISIONS

Section 401 provides authority for adjustments to federal employee compensation and benefits during fiscal year 1983 which are increased by current or subsequently enacted law. The section obviates the necessity for separate authorizations for such increases during the fiscal year.

Section 402 brings the intelligence and intelligence-related activities authorization of appropriations process into technical compliance with section 607 of P.L. 93-344, the Congressional Budget and Impoundment Control Act of 1974, which requires that appropriations be authorized in the calendar year prior to the year in which the fiscal year begins.

Section 403 restores Central Intelligence Agency automatic data processing equipment and services procurement authority which was constrained by enactment of section 111 of the Federal Property and Administrative Services Act (FPASA) of 1949, as amended (40 U.S.C. 759), granting certain government-wide authorities to the Administrator of General Services and the Secretary of Commerce. In 1981, Congress enacted in the Fiscal Year 1982 Department of Defense Authorization Act a provision, similar to this section, which excludes all Department of Defense automatic data processing equipment and services procurement for DoD intelligence activities from the scope of section 111 of the FPASA. This congressional recognition of the need for automatic data processing flexibility in support of intelligence activities would properly be extended to automatic data processing support for the intelligence activities of the Central Intelligence Agency by enactment of this section.

TITLE V

DEFENSE INTELLIGENCE AGENCY
PROVISIONS

Section 501 extends to the Defense Intelligence Agency name, initials, and seal the same protection against misuse which has been afforded to the Central Intelligence Agency and National Security Agency names, initials, and seals (see sections 503 and 603 of P.L. 97-89, the Fiscal Year 1982 Intelligence Authorization Act).

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983

CHANGES IN EXISTING LAW

Note: Where applicable, changes in existing law are shown as follows: existing law in which no change is proposed is shown in roman; existing law proposed to be struck is enclosed in brackets; new material is underscored.

TITLE I
INTELLIGENCE ACTIVITIES

Section 101: No substantive change.

Section 102: No substantive change.

Section 103: No substantive change.

Section 104: No substantive change from
section 805 of the fiscal year 1982 Act.

TITLE II
INTELLIGENCE COMMUNITY STAFF

Subsection 201(a): No substantive change.

Subsection 201(b): No substantive change.

Subsection 201(c): No substantive change.

Section 202: No substantive change.

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TITLE IV
TECHNICAL PROVISIONS

Section 401: No substantive change (section 804 of the fiscal year 1982 Act).

Section 402: New provision.

Section 403: New provision.

TITLE V

DEFENSE INTELLIGENCE AGENCY
PROVISIONS

Section 501: New provision.

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983

COST ANALYSIS

TITLE I

INTELLIGENCE ACTIVITIES

Section 101: Fiscal Year 1983 authorizations are contained in the classified Schedule of Authorizations.

Section 102: Cost analysis not applicable.

Section 103: Cost analysis not applicable.

Section 104: Cost analysis not applicable.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Subsection 201(a): Cost analysis not applicable.

Subsection 201(b): Cost analysis not applicable.

Subsection 201(c): Cost analysis not applicable.

Section 202: Cost analysis not applicable.

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TITLE IV

TECHNICAL PROVISIONS

Section 401: Cost analysis impossible to determine.

Section 402: Technical compliance with section 607 of P.L. 93-344 only; cost analysis not applicable.

Section 403: Some cost savings through more effective and efficient procurement can be expected.

TITLE V
DEFENSE INTELLIGENCE AGENCY
PROVISIONS

Section 501: No programmed expenditures contemplated.