103rd CONGRESS
2d SESSION
H. R. 4299
AMENDMENT
In the Senate of the United States,

August 12 (legislative day, August 11), 1994.

Resolved, That the bill from the House of Representatives (H.R. 4299) entitled “An Act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 1995”.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence activities of the following elements of the United States Government:
(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(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.
(11) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of intelligence 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 S. 2082 of the One Hundred Third Congress.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations described in subsection (a) shall be made available to the Committees
on Appropriations of the Senate and House of Representa-
tives and to the President. The President shall provide for
suitable distribution of the Schedule, or of appropriate por-
tions of the Schedule, within the executive branch of Govern-
ment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—The Director of
Central Intelligence may authorize the employment of civil-
ian personnel in excess of the number of such personnel au-
thorized for employment for fiscal year 1995 under section
102 of this Act, if the Director determines that such action
is necessary to the performance of important intelligence
functions, except that such number may not, for any ele-
ment of the intelligence community, exceed 2 percent of the
number of civilian personnel authorized under such section
for such element.

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

(c) INTELLIGENCE COMMUNITY DEFINED.—As used in
subsection (a), the term “intelligence community” has the
same meaning given to that term by section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)).

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1995 the sum of $106,300,000. Of the amounts made available under this subsection, funds made available for the Advanced Research and Development Committee and the Environmental Task Force are authorized to remain available until September 30, 1996.

(b) Authorized Personnel Levels.—The Community Management Account of the Director of Central Intelligence is authorized 221 full-time personnel as of September 30, 1995. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) Reimbursement.—During fiscal year 1995, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Account 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 1 year for the performance of temporary func-
tions as required by the Director of Central Intelligence.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIRE-
MENT AND DISABILITY SYSTEM**

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

There is authorized to be appropriated for the Central
Intelligence Agency Retirement and Disability Fund for fis-
cal year 1995 the sum of $198,000,000.

**TITLE III—GENERAL PROVISIONS**

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

In addition to amounts authorized to be appropriated
by this Act for the salary, pay, retirement, and other bene-
fits of Federal employees, there are authorized to be appro-
piated such additional or supplemental amounts as may
be necessary to cover increases in those benefits authorized
by law for fiscal year 1995.

**SEC. 302. RESTRICTION ON THE CONDUCT OF INTEL-
LIGENCE ACTIVITIES.**

The authorizations of appropriations contained in this
Act do not constitute authority for the conduct of any intel-
ligence activity which is not otherwise authorized by the
Constitution of the United States or by the laws of the United States.

SEC. 303. REPEAL OF RESTRICTION ON INTELLIGENCE OPERATION WITH SOUTH AFRICA.
Section 107 of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569) is repealed.

SEC. 304. REPORT REGARDING MANDATORY RETIREMENT FOR EXPIRATION OF TIME IN CLASS.
(a) REPORT REQUIRED.—Not later than December 1, 1994, the Director of Central Intelligence shall submit to the congressional defense and intelligence committees a report setting forth a legislative proposal, coordinated as appropriate with elements of the intelligence community, which would provide for mandatory retirement for expiration of time in class, comparable to the applicable provisions of section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), for all civilian employees of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the intelligence elements of the Army, Navy, Air Force, and Marine Corps. The report shall include an assessment of the advisability and feasibility of instituting such a mandatory retirement policy, and of alternative means to achieve the objectives of a mandatory retirement policy. The report shall also include an assessment from the Secretary of Defense of the impact of a man-
datory retirement policy for intelligence community civilian employees on all other Department of Defense civilian employees.

(b) Definitions.—For purposes of this section—

(1) the term "congressional defense and intelligence committees" means the Committees on Armed Services of the Senate and House of Representatives, the Defense Subcommittees of the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term "intelligence community" has the same meaning given to that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)).

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. AMENDMENT OF SECTION 4(a) OF THE CIA ACT OF 1949.

Section 4(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(a)) is amended in subparagraphs (A) and (C) of paragraph (5), by striking "not the result of vicious habits, intemperance, or misconduct on his part," each place it appears.
SEC. 402. GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Position Established.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 20. (a) There is a General Counsel of the Central Intelligence Agency appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The General Counsel of the Central Intelligence Agency is the chief legal officer of the Central Intelligence Agency.

"(c) The General Counsel of the Central Intelligence Agency shall perform such functions as the Director of Central Intelligence may prescribe."

(b) Pay for Position.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"General Counsel of the Central Intelligence Agency."

TITLE V—DEPARTMENT OF DEFENSE

SEC. 501. CENTRAL IMAGERY OFFICE.

(a) Amendments of the National Security Act of 1947.—(1) Section 105(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-5(b)(2)) is amended by striking
(2) Section 106(b) of such Act (50 U.S.C. 403-6(b)) is amended—

(A) in the subsection caption, by striking out "CENTRAL IMAGERY AUTHORITY" and inserting in lieu thereof "CENTRAL IMAGERY OFFICE"; and

(B) by striking out "Central Imagery Authority" and inserting in lieu thereof "Central Imagery Office".

(b) CIVILIAN PERSONNEL MANAGEMENT FOR THE CENTRAL IMAGERY OFFICE.—(1) Subject to paragraph (2), the Secretary of Defense may exercise the authorities set forth in sections 1601 and 1604 of title 10, United States Code, pertaining to civilian officers and employees in the Defense Intelligence Agency, with respect to civilian officers and employees of the Central Imagery Office.

(2)(A) Civilian personnel administrative support for officers and employees of the Central Imagery Office shall remain a responsibility of the Defense Intelligence Agency.

(B) The authority provided in section 1604(e)(1) of title 10, United States Code, may, with respect to civilian officers and employees of the Central Imagery Office, be delegated by the Secretary of Defense only to the Deputy Secretary of Defense.
SEC. 502. PUBLIC AVAILABILITY OF CERTAIN MAPS, CHARTS, AND GEODETIC DATA.

Section 2796(b)(1)(C) of title 10, United States Code is amended by inserting “jeopardize or interfere with ongoing military or intelligence operations, or” after “disclosed,”.

SEC. 503. AUTHORITY TO ESTABLISH A NATIONAL PUBLIC INFORMATION CENTER.

Of the funds made available to the Secretary of Defense under this Act, the Secretary is authorized during fiscal year 1995 to expend not more than $3,000,000 to establish a National Public Information Center for the purpose of—

(1) surveying, collecting, storing, distributing, and presenting unclassified information, including information retained by Government agencies as of the date of enactment of this Act;

(2) providing support for training in decision-making, and for professional education in the Department of Defense and the intelligence community (as defined in section 3(4) of the National Security Act of 1947); and

(3) informing more broadly the American public.

SEC. 504. LIMITATIONS ON FUNDING OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) REVIEW OF PROJECT; COMPLIANCE WITH DOD PROCUREMENT AND CONTRACTING PROCEDURES.—Of the
funds made available by this Act for the National Reconnaissance Office under the classified Schedule of Authorizations referred to in section 102 of this Act—

(1) $50,000,000 out of the Miscellaneous Support account of the Mission Support Consolidated Expenditure Center may not be obligated or expended until the Director of Central Intelligence and the Secretary of Defense have completed a review of the National Reconnaissance Office Headquarters Building project and the results of such review have been disclosed to the congressional intelligence committees; and

(2) no such funds made available by this Act may be obligated or expended for the purchase of any real property, or to contract for any construction or acquisition, in connection with the construction of buildings or facilities, unless (and to the extent that)—

(A) such purchase or contract is made or entered into in accordance with the policies and procedures applicable to other elements of the Department of Defense; or

(B) the President determines that the national security interest of the United States requires that such policies and procedures shall not apply to a particular purchase or contract and
reports such determination in accordance with subsection (b).

(b) Waiver Procedures.—Not later than 30 days after making a determination under subsection (a)(2)(B), the President shall report in writing the determination to the congressional intelligence committees.

(c) Specific Authorization and Appropriations Required.—Except to the extent and in the amounts specifically provided in an Act authorizing appropriations and in an appropriation Act, no funds made available under any provision of law may be obligated or expended for the National Reconnaissance Office Headquarters Building project if such funds would cause the total amount obligated or expended for such project to exceed $310,000,000.

(d) Definitions.—As used in this section:

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

(2) National Reconnaissance Office Headquarters Building Project.—The term "National Reconnaissance Office Headquarters Building project" means the project for the headquarters build-
ings of the National Reconnaissance Office, situated
at the so-call Westfields site, and includes all con-
struction and improvement of facilities (including ‘fit
up’) and all actions related to the acquisition of land,
communications, computers, furniture and other
building furnishings, and vehicle parking facilities.

**TITLE VI—FEDERAL BUREAU OF
INVESTIGATION**

**SEC. 601. DISCLOSURE OF CONSUMER CREDIT REPORTS**

**FOR COUNTERINTELLIGENCE PURPOSES.**

Section 608 of the Fair Credit Reporting Act (15
U.S.C. 1681f) is amended—

(1) by striking “Notwithstanding” and inserting
“(a) DISCLOSURE OF CERTAIN IDENTIFYING INFOR-
MATION.— Notwithstanding”; and

(2) by adding at the end the following new sub-
section:

“(b) DISCLOSURES TO THE FBI FOR COUNTERINTEL-
LIGENCE PURPOSES.—

“(1) CONSUMER REPORTS.— Notwithstanding the
provisions of section 604, a consumer reporting agen-
cy shall furnish a consumer report to the Federal Bu-
reau of Investigation when presented with a written
request for a consumer report, signed by the Director
of the Federal Bureau of Investigation, or the Direc-
tor’s designee, which certifies compliance with this subsection. The Director or the Director’s designee may make such a certification only if the Director or the Director’s designee has determined in writing that—

"(A) such records are necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought is a foreign power or an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(2) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director’s designee, which certifies compliance with this subsection. The Director or the Director’s designee may make such a certification
only if the Director or the Director's designee has determined in writing that—

“(A) such information is necessary to the conduct of an authorized counterintelligence investigation; and

“(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(3) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of such consumer reporting agency may disclose to any person, other than those officers, employees, or agents of such agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this subsection, that the Federal Bureau of Investigation has sought or obtained a consumer report or identifying information respecting any consumer under paragraph (1) or (2), nor shall such agency, officer, employee, or agent include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or ob-
obtained such a consumer report or identifying infor-

“(4) PAYMENT OF FEES.—The Federal Bureau of
Investigation shall, subject to the availability of ap-
propriations, pay to the consumer reporting agency
assembling or providing credit reports or identifying
information in accordance with procedures established
under this title, a fee for reimbursement for such costs
as are reasonably necessary and which have been di-
rectly incurred in searching, reproducing, or trans-
porting books, papers, records, or other data required
or requested to be produced under this subsection.

“(5) LIMIT ON DISSEMINATION.—The Federal
Bureau of Investigation may not disseminate infor-
mation obtained pursuant to this subsection outside of
the Federal Bureau of Investigation, except to the De-
partment of Justice as may be necessary for the ap-
proval or conduct of a foreign counterintelligence in-
vestigation, or, where the information concerns a per-
son subject to the Uniform Code of Military Justice,
to appropriate investigative authorities within the
military department concerned as may be necessary
for the conduct of a joint foreign counterintelligence
investigation.
“(6) Rules of Construction.—Nothing in this subsection shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this subsection shall be construed to authorize or permit the withholding or information from Congress.

“(7) Reports to Congress.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to paragraphs (1) and (2).

“(8) Damages.—Any agency or department of the United States obtaining or disclosing credit reports, records, or information contained therein in violation of this subsection is liable to the consumer to whom such records relate in an amount equal to the sum of—

“(A) $100, without regard to the volume of records involved;
“(B) any actual damages sustained by the consumer as a result of the disclosure;

“(C) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

“(D) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

“(9) Disciplinary actions for violations.—

If a court determines that any agency or department of the United States has violated any provision of this subsection and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

“(10) Good-faith exception.—Any credit reporting agency or agent or employee thereof making disclosure of credit reports or identifying information pursuant to this subsection in good-faith reliance upon a certificate of the Federal Bureau of Investigati-
tion pursuant to provisions of this subsection shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

“(11) LIMITATION OF REMEDIES.—The remedies and sanctions set forth in this subsection shall be the only judicial remedies and sanctions for violation of this subsection.

“(12) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this subsection, injunctive relief shall be available to require compliance with the procedures of this subsection. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.”

TITLE VII—COUNTERINTELLIGENCE AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the “Counterintelligence and Security Enhancements Act of 1994”.

SEC. 702. ACCESS TO CLASSIFIED INFORMATION.

et seq.) is amended by adding at the end the following new title:

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TITLE VIII—ACCESS TO CLASSIFIED INFORMATION
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PROCEDURES
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SEC. 801. Not later than 180 days after the date of enactment of this title, the President shall, by Executive order or regulation, establish procedures to govern access to classified information which shall be binding upon all departments, agencies, and offices of the executive branch of Government. Such procedures shall, at a minimum—
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(1) provide that, except as may be permitted by the President, no employee in the executive branch of Government may be given access to classified information by any department, agency, or office of the executive branch of Government unless, based upon an appropriate background investigation, such access is determined to be clearly consistent with the national security interests of the United States;
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(2) establish uniform minimum requirements governing the scope and frequency of background investigations and reinvestigations for all employees in the executive branch of Government who require access to classified information as part of their official responsibilities;
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“(3) provide that all employees in the executive branch of Government who require access to classified information shall be required as a condition of such access to provide written consent to the employing department or agency which permits access by an authorized investigative agency to relevant financial records, other financial information, consumer reports, and travel records, as determined by the President, in accordance with section 802 of this title, during the period of access to classified information and for a period of five years thereafter;

“(4) provide that all employees in the executive branch of Government who require access to particularly sensitive classified information, as determined by the President, shall be required, as a condition of maintaining access to such information, to submit to the employing department or agency, during the period of such access, relevant information concerning their financial conditions and foreign travel, as determined by the President, as may be necessary to ensure appropriate security; and

“(5) establish uniform minimum standards to ensure that employees whose access to classified information is being denied or terminated under this title are appropriately advised of the reasons for such de-
nial or termination and are provided an adequate op-
portunity to respond to all adverse information which
forms the basis for such denial or termination before
final action by the department or agency concerned,
except that, wherever such information is derived
from a classified source, appropriate measures shall
be taken to conceal the identity of such source from
the employee concerned.

"REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

"SEC. 802. (a)(1) Any authorized investigative agency
may request from any financial agency, financial institu-
tion, or holding agency, or from any consumer credit re-
porting agency, such financial records, other financial in-
formation, and consumer reports as may be necessary in
order to conduct any authorized law enforcement investiga-
tion, counterintelligence inquiry, or security determination.
Any authorized investigative agency may also request
records maintained by any commercial entity within the
United States pertaining to travel by a person outside the
United States.

“(2) Requests may be made under this section where—

“(A) the records sought pertain to a person who
is or was an employee required by the President in
an Executive order or regulation, as a condition of
access to classified information, to provide consent,
during a background investigation and for such time
as access to the information is maintained, and for
a period of not more than 5 years thereafter, permit-
ting access to financial records, other financial infor-
mation, consumer reports, and travel records; and
“(B)(i) there is information or allegations indi-
cating that the person is, or may be, disclosing classi-
fied information in an unauthorized manner to a for-
eign power or agent of a foreign power;
“(ii) information comes to the attention of the
employing agency indicating the person has incurred
excessive indebtedness or has acquired a level of afflu-
ence which cannot be explained by other information
known to the agency; or
“(iii) circumstances indicate the person had the
capability and opportunity to disclose classified in-
formation which is known to have been lost or com-
promised to a foreign power or an agent of a foreign
power.
“(3) Each such request—
“(A) shall be accompanied by a written certifi-
cation signed by the department or agency head or
deputy department or agency head concerned, or by
a senior official designated for this purpose by the de-
partment or agency head concerned (whose rank shall
be no lower than Assistant Secretary or Assistant Di-
rector), and shall certify that—

“(i) the person concerned is or was an em-
ployee within the meaning of paragraph (2)(A);

“(ii) the request is being made pursuant to
an authorized inquiry or investigation and is
authorized under this section; and

“(iii) the records or information to be re-
viewed are records or information which the em-
ployee has previously agreed to make available to
the authorized investigative agency for review;

“(B) shall contain a copy of the agreement re-
ferred to in subparagraph (A)(iii);

“(C) shall identify specifically or by category the
records or information to be reviewed; and

“(D) shall inform the recipient of the request of
the prohibition described in subsection (b).

“(b) Notwithstanding any other provision of law, no
governmental or private entity, or officer, employee, or
agent of such entity, may disclose to any person, other than
those officers, employees, or agents of such entity necessary
to satisfy a request made under this section, that such entity
has received or satisfied a request made by an authorized
investigative agency under this section.
“(c)(1) Notwithstanding any other provision of law (other than section 6103 of the Internal Revenue Code of 1986), an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

“(2) Any entity (including any officer, employee, or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by an agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

“(d) Any agency requesting records or information under this section may, subject to the availability of appropriations, reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

“(e) An agency receiving records or information pursuant to a request under this section may disseminate the
records or information obtained pursuant to such request outside the agency only—

“(1) to the agency employing the employee who is the subject of the records or information;

“(2) to the Department of Justice for law enforcement or counterintelligence purposes; or

“(3) with respect to dissemination to an agency of the United States, if such information is clearly relevant to the authorized responsibilities of such agency.

“(f) Nothing in this section may be construed to affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

“EXCEPTIONS

“SEC. 803. Except as otherwise specifically provided, the provisions of this title shall not apply to the President and Vice President, Members of the Congress, Justices of the Supreme Court, and Federal judges appointed by the President.

“DEFINITIONS

“SEC. 804. For purposes of this title—

“(1) the term ‘authorized investigative agency’ means an agency authorized by law or regulation to conduct a counterintelligence investigation or inves-
tigations of persons who are proposed for access to
classified information to ascertain whether such per-
sons satisfy the criteria for obtaining and retaining
access to such information;

“(2) the term ‘classified information’ means any
information that has been determined pursuant to
Executive Order No. 12356 of April 2, 1982, or suc-
cessive orders, or the Atomic Energy Act of 1954, to
require protection against unauthorized disclosure
and that is so designated;

“(3) the term ‘consumer credit reporting agency’
has the meaning given such term in section 603 of the
Consumer Credit Protection Act (15 U.S.C. 1681a);

“(4) the term ‘employee’ includes any person
who receives a salary or compensation of any kind
from the United States Government, is a contractor
of the United States Government or an employee
thereof, is an unpaid consultant of the United States
Government, or otherwise acts for or on behalf of the
United States Government;

“(5) the terms ‘financial agency’ and ‘financial
institution’ have the meanings given to such terms in
section 5312(a) of title 31, United States Code, and
the term ‘holding agency’ has the meaning given to
such term in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

“(6) the terms ‘foreign power’ and ‘agent of a foreign power’ have the same meanings as set forth in sections 101 (a) and (b), respectively, of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

“(7) the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (until such time as the Compact of Free Association is ratified), and any other possession of the United States.”.

(b) Clerical Amendment.—The table of contents of the National Security Act of 1947 is amended by adding at the end the following:

“TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

“Sec. 801. Procedures.
“Sec. 802. Requests by authorized investigative agencies.
“Sec. 803. Exceptions.
“Sec. 804. Definitions.”.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of enactment of this Act.
SEC. 703. COORDINATION OF COUNTERINTELLIGENCE ACTIVITIES.

(a) Establishment of Counterintelligence Policy Board. — (1) There is established within the executive branch of Government a National Counterintelligence Policy Board (in this section referred to as the “Board”). The Board shall report to the President through the National Security Council.

(2) The Board shall consist of the following individuals:

(A) The Attorney General, who shall serve as Chair.

(B) The Secretary of Defense.

(C) The Director of Central Intelligence.

(D) The Director of the Federal Bureau of Investigation.

(E) The Assistant to the President for National Security Affairs.

(b) Function of the Board. — The Board shall serve as the principal mechanism for—

(1) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

(2) resolving conflicts, as directed by the President, which may arise between elements of the Government which carry out such activities.
(c) Coordination of Counterintelligence Matters with the Federal Bureau of Investigation.—

(1) Except as provided in paragraph (3) below, the head of each department or agency within the executive branch shall ensure that—

(A) the Federal Bureau of Investigation is advised immediately of any information, regardless of its source, which indicates that classified information is being, or may have been, deliberately disclosed in an unauthorized manner to a foreign power or an agent of a foreign power;

(B) following a report made pursuant to subparagraph (A), the Federal Bureau of Investigation is consulted with respect to all subsequent actions which may be undertaken by the department or agency concerned to determine the source of such loss or compromise; and

(C) where, after appropriate consultation with the department or agency concerned, the Federal Bureau of Investigation undertakes investigative activities to determine the source of the loss or compromise, the FBI is given complete and timely access to its employees and records for purposes of such investigative activities.
(2) Except as provided in paragraph (3) below, the Director of the Federal Bureau of Investigation shall ensure that counterintelligence information obtained by the Federal Bureau of Investigation pertaining to the personnel, operations, or information of departments or agencies of the executive branch, is provided through appropriate channels to the department or agency concerned, and that such departments or agencies are consulted in advance with respect to any action taken by the Federal Bureau of Investigation involving the personnel, operations, or information of such department or agency after a report is provided pursuant to subparagraph (1)(A).

(3) Where essential to meet extraordinary circumstances affecting vital national security interests of the United States, the President may on a case-by-case basis waive the requirements of paragraphs (1) or (2), above, as they apply to the head of a particular department or agency, or the Director of the Federal Bureau of Investigation. Such waiver shall be in writing and shall fully state the justification for such waiver. Within thirty days of issuing such waiver, the President shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives that such waiver has been issued, and at that time or as soon as national security considerations permit, provide
these committees with a complete explanation of the cir-
1 cumstances which necessitated such waiver.

(4) The Director of the Federal Bureau of Investigation
2 shall, in consultation with the Director of Central Intel-
3 ligence and the Secretary of Defense, report annually, be-
4 ginning on February 1, 1995, and continuing each year
5 thereafter, to the Select Committee on Intelligence of the
6 Senate and to the Permanent Select Committee on Intel-
7 ligence of the House of Representatives with respect to com-
8 pliance with paragraphs (1) and (2) during the previous
9 calendar year.

(5) Nothing in this section may be construed to alter
10 the existing jurisdictional arrangements between the Fed-
11 eral Bureau of Investigation and the Department of Defense
12 with respect to investigations of persons subject to the Uni-
13 form Code of Military Justice, nor to impose additional re-
14 porting requirements upon the Department of Defense with
15 respect to such investigations beyond those required by ex-
16 isting law and executive branch policy.

(6) As used in this section, the terms "foreign power"
17 and "agent of a foreign power" have the same meanings
18 as set forth in subsections 101 (a) and (b), respectively, of
19 the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
20 1801).
SEC. 704. DISCLOSURE OF CONSUMER CREDIT REPORTS FOR COUNTERINTELLIGENCE PURPOSES.

Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(1) by striking “Notwithstanding” and inserting

“(a) DISCLOSURE OF CERTAIN IDENTIFYING INFORMATION.— Notwithstanding”; and

(2) by adding at the end the following new subsection:

“(b) DISCLOSURES TO THE FBI FOR COUNTERINTELLIGENCE PURPOSES.—

“(1) CONSUMER REPORTS.— Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish a consumer report to the Federal Bureau of Investigation when presented with a written request for a consumer report, signed by the Director or Deputy Director of the Federal Bureau of Investigation who certifies compliance with this subsection. The Director or Deputy Director may make such a certification only if he has determined in writing that—

“(A) such records are necessary for the conduct of an authorized foreign counterintelligence investigation; and

“(B) there are specific and articulable facts giving reason to believe that the consumer whose
consumer report is sought is a foreign power or
an agent of a foreign power, as defined in sec-
tion 101 of the Foreign Intelligence Surveillance

"(2) IDENTIFYING INFORMATION.—Notwithstand-
ing the provisions of section 604, a consumer report-
ing agency shall furnish identifying information re-
specting a consumer, limited to name, address, former
addresses, places of employment, or former places of
employment, to the Federal Bureau of Investigation
when presented with a written request, signed by the
Director or Deputy Director, which certifies compli-
ance with this subsection. The Director or Deputy Di-
rector may make such certification only if the Direc-
tor or Deputy Director has determined in writing
that—

"(A) such information is necessary to the
conduct of an authorized foreign counterintel-
ligence investigation; and

"(B) there is information giving reason to
believe that the consumer has been, or is about
to be, in contact with a foreign power or an
agent of a foreign power, as so defined.

"(3) CONFIDENTIALITY.—No consumer reporting
agency or officer, employee, or agent of such consumer
reporting agency may disclose to any person, other
than those officers, employees, or agents of such agen-
cy necessary to fulfill the requirement to disclose in-
formation to the Federal Bureau of Investigation
under this subsection, that the Federal Bureau of In-
vestigation has sought or obtained a consumer report
or identifying information respecting any consumer
under paragraph (1) or (2), nor shall such agency, off-
ecer, employee, or agent include in any consumer re-
port any information that would indicate that the
Federal Bureau of Investigation has sought or ob-
tained such a consumer report or identifying infor-
information.

"(4) Payment of Fees.—The Federal Bureau of
Investigation may, subject to the availability of ap-
propriations, pay to the consumer reporting agency
assembling or providing credit reports or identifying
information in accordance with this title, a fee for re-
imbursement for such costs as are reasonably nec-
essary and which have been directly incurred in
searching, reproducing, or transporting books, papers,
records, or other data required or requested to be pro-
duced under this subsection.

"(5) Limit on Dissemination.—The Federal
Bureau of Investigation may not disseminate infor-
mation obtained pursuant to this subsection outside of
the Federal Bureau of Investigation, except to the De-
partment of Justice or as may be necessary for the
conduct of a foreign counterintelligence investigation.

"(6) Rules of Construction.—Nothing in this
subsection shall be construed to prohibit information
from being furnished by the Federal Bureau of Invest-
tigation pursuant to a subpoena or court order, or in
connection with a judicial or administrative proceed-
ing to enforce the provisions of this Act. Nothing in
this subsection shall be construed to authorize or per-
mit the withholding of information from Congress.

"(7) Reports to Congress.—On an annual
basis, the Attorney General of the United States shall
fully inform the Permanent Select Committee on In-
telligence of the House of Representatives and the Se-
lect Committee on Intelligence of the Senate concern-
ing all requests made pursuant to paragraphs (1) and
(2).

"(8) Damages.—Any agency or department of
the United States obtaining or disclosing credit re-
ports, records, or information contained therein in
violation of this subsection is liable to the consumer
to whom such records relate in an amount equal to
the sum of—
“(A) $100, without regard to the volume of records involved;

“(B) any actual damages sustained by the consumer as a result of the disclosure;

“(C) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

“(D) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney’s fees, as determined by the court.

“(9) GOOD FAITH EXCEPTION.—Any credit reporting agency or agent or employee thereof making disclosure of credit reports or identifying information pursuant to this subsection in good faith reliance upon a certificate of the Federal Bureau of Investigation pursuant to this subsection shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State. As used in this subsection, the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.
"(10) LIMITATION OF REMEDIES.— The remedies set forth in this subsection shall be the only judicial remedies for violation of this subsection.

"(11) INJUNCTIVE RELIEF.— In addition to any other remedy contained in this subsection, injunctive relief shall be available to require compliance with the procedures of this subsection. In the event of any successful action under this subsection, costs of the action, together with reasonable attorney’s fees, as determined by the court, may be recovered."

SEC. 705. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.— Section 3071 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "With respect to";

and

(2) by adding at the end the following new subsection:

"(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;
“(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

“(3) leading to the prevention or frustration of an act of espionage against the United States.’’.

(b) Definitions.—Section 3077 of such title is amended by adding at the end the following new paragraph:

“(8) ‘act of espionage’ means an activity that is a violation of—

“(A) section 793, 794, or 798 of title 18, United States Code; or

“(B) section 783(b) of title 50, United States Code.”.

(c) Clerical Amendments.—The items relating to chapter 24 in the table of chapters at the beginning of such title, and in the table of chapters at the beginning of part II of such title, are each amended by adding at the end the following: ‘‘and espionage.’’.

SEC. 706. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.

(a) In General.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:
§ 3239. Espionage and related offenses not committed in any district

The trial for any offense involving a violation of—

(1) section 793, 794, 798, 952, or 1030(a)(1) of this title,

(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421), or

(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b) or (c)), begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district,

may be in the District of Columbia or in any other district authorized by law.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

“3239. Espionage and related offenses not committed in any district.”.

SEC. 707. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) In General.—Section 798 of title 18, United States Code, is amended by adding at the end the following new subsections:
“(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

“(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (b), (c), and (e)–(p)) shall apply to—

“(A) property subject to forfeiture under this subsection;

“(B) any seizure or disposition of such property; and

“(C) any administrative or judicial proceeding in relation to such property if not inconsistent with this subsection.
“(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

“(e) As used in subsection (d) of this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau (until such time as the Compact of Free Association is ratified), and any other possession of the United States.”.

(b) Amendments for Consistency in Application of Forfeiture Under Title 18.—(1) Section 793(h)(3) of such title is amended in the matter above subparagraph (A) by striking out “(o)” each place it appears and inserting in lieu thereof “(p)”.

(2) Section 794(d)(3) of such title is amended in the matter above subparagraph (A) by striking out “(o)” each place it appears and inserting in lieu thereof “(p)”.

(c) Subversive Activities Control Act.—Section 4 of the Subversive Activities Control Act of 1950 (50
U.S.C. 783) is amended by adding at the end the following new subsection:

“(g)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

“(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)) shall apply to—

“(A) property subject to forfeiture under this subsection;

“(B) any seizure or disposition of such property;
“(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

“(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.”

SEC. 708. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(d) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General certifies to the agency administering the annuity or retired pay concerned—

“(1) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such con-
duct taken place with the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

“(2) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

“(3) that such conviction occurred after the date of enactment of this subsection.”.

SEC. 709. PROVIDING A COURT ORDER PROCESS FOR PHYSICAL SEARCHES UNDERTAKEN FOR FOREIGN INTELLIGENCE PURPOSES.

(a) Amendment of the Foreign Intelligence Surveillance Act of 1978.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating title III as title IV and section 301 as section 401, respectively;

(2) in section 401 (as redesignated) by inserting “(other than title III)” after “provisions of this Act”; and

(3) by inserting after title II the following new title:
TITLE III—PHYSICAL SEARCHES
WITHIN THE UNITED STATES
FOR FOREIGN INTELLIGENCE
PURPOSES

“AUTHORIZATION OF PHYSICAL SEARCHES FOR FOREIGN
INTELLIGENCE PURPOSES

“Sec. 301. (a) Applications for a court order under
this title are authorized if the President has, by written au-
thorization, empowered the Attorney General to approve ap-
plications to the Foreign Intelligence Surveillance Court.
Notwithstanding any other law, a judge of the court to
whom application is made may grant an order in accord-
ance with section 303 approving a physical search in the
United States of the premises, property, information, or
material of a foreign power or an agent of a foreign power
for the purpose of collecting foreign intelligence informa-
tion.

“(b) The Foreign Intelligence Surveillance Court shall
have jurisdiction to hear applications for and grant orders
approving a physical search for the purpose of obtaining
foreign intelligence information anywhere within the Unit-
ed States under the procedures set forth in this title, except
that no judge shall hear the same application which has
been denied previously by another judge designated under
section 103(a) of the Act. If any judge so designated denies
an application for an order authorizing a physical search under this title, such judge shall provide immediately for the record a written statement of each reason for his decision and, on motion of the United States, the record shall be transmitted, under seal, to the court of review established under section 103(b).

“(c) The court of review established under section 103(b) shall have jurisdiction to review the denial of any application made under this title. If such court determines that the application was properly denied, the court shall immediately provide for the record a written statement of each reason for its decision and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

“(d) Judicial proceedings under this title shall be concluded as expeditiously as possible. The record of proceedings under this title, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of Central Intelligence.

“APPLICATION FOR AN ORDER

“SEC. 302. (a) Each application for an order approving a physical search under this title shall be made by a Federal officer in writing upon oath or affirmation to a
judge of the Foreign Intelligence Surveillance Court. Each application shall require the approval of the Attorney General based upon the Attorney General’s finding that it satisfies the criteria and requirements for such application as set forth in this title. Each application shall include—

“(1) the identity of the Federal officer making the application;

“(2) the authority conferred on the Attorney General by the President and the approval of the Attorney General to make the application;

“(3) the identity, if known, or a description of the target of the search, and a detailed description of the premises or property to be searched and of the information, material, or property to be seized, reproduced, or altered;

“(4) a statement of the facts and circumstances relied upon by the applicant to justify the applicant’s belief that—

“(A) the target of the physical search is a foreign power or an agent of a foreign power;

“(B) the premises or property to be searched contains foreign intelligence information; and

“(C) the premises or property to be searched is owned, used, possessed by, or is in transit to
or from a foreign power or an agent of a foreign power;

"(5) a statement of the proposed minimization procedures;

"(6) a statement of the nature of the foreign intelligence sought and the manner in which the physical search is to be conducted;

"(7) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive branch officers employed in the area of national security or defense and appointed by the President, by and with the advice and consent of the Senate—

"(A) that the certifying official deems the information sought to be foreign intelligence information;

"(B) that the purpose of the search is to obtain foreign intelligence information;

"(C) that such information cannot reasonably be obtained by normal investigative techniques;

"(D) that designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and
“(E) includes a statement explaining the basis for the certifications required by subparagraphs (C) and (D); and
“(8) a statement of the facts concerning all previous applications that have been made to any judge under this title involving any of the persons, premises, or property specified in the application, and the action taken on each previous application.
“(b) The Attorney General may require any other affidavit or certification from any other officer in connection with the application.
“(c) The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 303.

"ISSUANCE OF AN ORDER
"SEC. 303. (a) Upon an application made pursuant to section 302, the judge shall enter an ex parte order as requested or as modified approving the physical search if the judge finds that—
“(1) the President has authorized the Attorney General to approve applications for physical searches for foreign intelligence purposes;
“(2) the application has been made by a Federal officer and approved by the Attorney General;
“(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—
“(A) the target of the physical search is a foreign power or an agent of a foreign power, except that no United States person may be considered an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States;

“(B) the premises or property to be searched is owned, used, possessed by, or is in transit to or from an agent of a foreign power or a foreign power; and

“(C) physical search of such premises or property can reasonably be expected to yield foreign intelligence information which cannot reasonably be obtained by normal investigative means;

“(4) the proposed minimization procedures meet the definition of minimization contained in this title; and

“(5) the application which has been filed contains all statements and certifications required by section 302, and, if the target is a United States person, the certification or certifications are not clearly erroneous on the basis of the statement made under sec-
tion 302(a)(7)(E) and any other information furnished under section 302(c).

“(b) An order approving a physical search under this section shall—

“(1) specify—

“(A) the identity, if known, or a description of the target of the physical search;

“(B) the nature and location of each of the premises or property to be searched;

“(C) the type of information, material, or property to be seized, altered, or reproduced;

“(D) a statement of the manner in which the physical search is to be conducted and, whenever more than one physical search is authorized under the order, the authorized scope of each search and what minimization procedures shall apply to the information acquired by each search; and

“(E) the period of time during which physical searches are approved; and

“(2) direct—

“(A) that the minimization procedures be followed;

“(B) that, upon the request of the applicant, a specified landlord, custodian, or other specified
person furnish the applicant forthwith all infor-
mation, facilities, or assistance necessary to ac-
complish the physical search in such a manner
as will protect its secrecy and produce a mini-
imum of interference with the services that such
landlord, custodian, or other person is providing
the target of the physical search;

“(C) that such landlord, custodian or other
person maintain under security procedures ap-
proved by the Attorney General and the Director
of Central Intelligence any records concerning
the search or the aid furnished that such person
wishes to retain;

“(D) that the applicant compensate, at the
prevailing rate, such landlord, custodian, or
other person for furnishing such aid; and

“(E) that the Federal officer conducting the
physical search promptly report to the court the
circumstances and results of the physical search.

“(c)(1) An order issued under this section may ap-
prove a physical search for the period necessary to achieve
its purpose, or for ninety days, whichever is less, except that
an order under this section shall approve physical search
targeted against a foreign power, as defined in paragraph
(1), (2), or (3) of section 101(a), for the period specified in the application or for one year, whichever is less.

"(2) Extensions of an order issued under this title may be granted on the same basis as the original order upon an application for an extension and new findings made in the same manner as required for the original order, except that an extension of an order under this Act for a physical search targeted against a foreign power, as defined in section 101(a) (5) or (6), or against a foreign power, as defined in section 101(a)(4), that is not a United States person, may be for a period not to exceed one year if the judge finds probable cause to believe that no property of any individual United States person will be acquired during the period.

"(3) At or before the end of the period of time for which a physical search is approved by an order or an extension, or at any time after a physical search is carried out, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d)(1) Notwithstanding any other provision of this title, whenever the Attorney General reasonably determines that—
“(A) an emergency situation exists with respect to the execution of a physical search to obtain foreign intelligence information before an order authorizing such search can with due diligence be obtained, and

“(B) the factual basis for issuance of an order under this title to approve such a search exists,

the Attorney General may authorize the execution of an emergency physical search if—

“(i) a judge having jurisdiction under section 103 is informed by the Attorney General or the Attorney General’s designee at the time of such authorization that the decision has been made to execute an emergency search, and

“(ii) an application in accordance with this title is made to that judge as soon as practicable but not more than 24 hours after the Attorney General authorizes such search.

“(2) If the Attorney General authorizes an emergency search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

“(3) In the absence of a judicial order approving such a physical search, the search shall terminate the earlier of—

“(A) the date on which the information sought is obtained;
“(B) the date on which the application for the order is denied; or
“(C) the expiration of 24 hours from the time of authorization by the Attorney General.
“(4) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the search, no information obtained or evidence derived from such search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General, if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 301.
“(e) Applications made and orders granted under this title shall be retained for a period of at least 10 years from the date of the application.
"USE OF INFORMATION"

"Sec. 304. (a) Information acquired from a physical search conducted pursuant to this title concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this title. No information acquired from a physical search pursuant to this title may be used or disclosed by Federal officers or employees except for lawful purposes.

(b) No information acquired pursuant to this title shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

(c) Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from a physical search of the premises or property of that aggrieved person pursuant to the authority of this title, the United States shall, prior to the trial, hearing, or the other proceeding or at a reasonable time
prior to an effort to so disclose or so use that information
or submit it in evidence, notify the aggrieved person and
the court or other authority in which the information is
to be disclosed or used that the United States intends to
so disclose or so use such information.

“(d) Whenever any State or political subdivision there-
of intends to enter into evidence or otherwise use or disclose
in any trial, hearing, or other proceeding in or before any
court, department, officer, agency, regulatory body, or other
authority of a State or a political subdivision thereof
against an aggrieved person any information obtained or
derived from a physical search of the premises or property
of that aggrieved person pursuant to the authority of this
title, the State or political subdivision thereof shall notify
the aggrieved person, the court or other authority in which
the information is to be disclosed or used, and the Attorney
General that the State or political subdivision thereof in-
tends to so disclose or so use such information.

“(e)(1) Any person against whom evidence obtained or
derived from a physical search to which he is an aggrieved
person is to be, or has been, introduced or otherwise used
or disclosed in any trial, hearing, or other proceeding in
or before any court, department, officer, agency, regulatory
body, or other authority of the United States, a State, or
a political subdivision thereof, may move to suppress the
evidence obtained or derived from such search on the grounds that—

"(A) the information was unlawfully acquired;

or

"(B) the physical search was not made in conformity with an order of authorization or approval.

"(2) Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

"(f) Whenever a court or other authority is notified pursuant to subsection (c) or (d), or whenever a motion is made pursuant to subsection (e), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications or orders or other materials relating to a physical search authorized by this title or to discover, obtain, or suppress evidence or information obtained or derived from a physical search authorized by this title, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or any adversary
hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to the physical search as may be necessary to determine whether the physical search of the aggrieved person was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the physical search only where such disclosure is necessary to make an accurate determination of the legality of the physical search.

"(g) If the United States district court pursuant to subsection (f) determines that the physical search was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the physical search of the aggrieved person or otherwise grant the motion of the aggrieved person. If the court determines that the physical search was lawfully authorized or conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(h) Orders granting motions or requests under subsection (g), decisions under this section that a physical search was not lawfully authorized or conducted, and orders of the United States district court requiring review or
granting disclosure of applications, orders, or other materials relating to the physical search shall be final orders and binding upon all courts of the United States and the several States except a United States Court of Appeals or the Supreme Court.

"(i) If an emergency execution of a physical search is authorized under section 303(d) and a subsequent order approving the search is not obtained, the judge shall cause to be served on any United States person named in the application and on such other United States persons subject to the search as the judge may determine in his discretion it is in the interests of justice to serve, notice of—

"(1) the fact of the application;

"(2) the period of the search; and

"(3) the fact that during the period information was or was not obtained.

On an ex parte showing of good cause to the judge, the serving of the notice required by this subsection may be postponed or suspended for a period not to exceed 90 days. Thereafter, on a further ex parte showing of good cause, the court shall forego ordering the serving of the notice required under this subsection.

"CONGRESSIONAL OVERSIGHT

"SEC. 305. On a semiannual basis the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select
Committee on Intelligence of the Senate concerning all physical searches conducted pursuant to this title. On an annual basis the Attorney General shall also provide to those committees a report setting forth with respect to the preceding calendar year—

"(1) the total number of applications made for orders approving physical searches under this title; and

"(2) the total number of such orders either granted, modified, or denied.

"PENALTIES

"SEC. 306. (a) OFFENSE.—A person is guilty of an offense if he intentionally—

"(1) under color of law for the purpose of obtaining foreign intelligence information, executes a physical search within the United States except as authorized by statute; or

"(2) discloses or uses information obtained under color of law by physical search within the United States, knowing or having reason to know that the information was obtained through physical search not authorized by statute, for the purpose of obtaining intelligence information.

"(b) DEFENSE.—It is a defense to a prosecution under subsection (a) that the defendant was a law enforcement or investigative officer engaged in the course of his official
duties and the physical search was authorized by and con-
ducted pursuant to a search warrant or court order of a
court of competent jurisdiction.

(c) **Penalty.**— An offense described in this section is
punishable by a fine of not more than $10,000 or imprison-
ment for not more than five years, or both.

(d) **Jurisdiction.**— There is Federal jurisdiction
over an offense under this section if the person committing
the offense was an officer or employee of the United States
at the time the offense was committed.

**Civil Liability**

SEC. 307. **Civil Action.**— An aggrieved person, other
than a foreign power or an agent of a foreign power, as
defined in section 101 (a) or (b)(1)(A), respectively, of this
Act, whose premises, property, information, or material has
been subjected to a physical search within the United States
or about whom information obtained by such a physical
search has been disclosed or used in violation of section 306
shall have a cause of action against any person who com-
mitted such violation and shall be entitled to recover—

(1) actual damages, but not less than liquidated
damages of $1,000 or $100 per day for each day of
violation, whichever is greater;

(2) punitive damages; and

(3) reasonable attorney’s fees and other inves-
tigative and litigation costs reasonably incurred.
"AUTHORIZATION DURING TIME OF WAR

"SEC. 308. Notwithstanding any other law, the President, through the Attorney General, may authorize physical searches without a court order under this title to acquire foreign intelligence information for a period not to exceed 15 calendar days following a declaration of war by the Congress.

"DEFINITIONS

"SEC. 309. As used in this title:


"(2) ‘Aggrieved person’ means a person whose premises, property, information, or material is the target of physical search or any other person whose premises, property, information, or material was subject to physical search.

"(3) ‘Foreign Intelligence Surveillance Court’ means the court established by section 103(a) of this Act.

"(4) ‘Minimization procedures’ with respect to physical search, means—
“(A) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purposes and technique of the particular physical search, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that non-publicly available information, which is not foreign intelligence information, as defined in section 101(e) (1) of this Act, shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand such foreign intelligence information or assess its importance; and

“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.
“(5) ‘Physical search’ means any physical intrusion into premises or property (including examination of the interior of property by technical means) that is intended to result in a seizure, reproduction, inspection, or alteration of information, material, or property, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, but does not include ‘electronic surveillance’, as defined in section 101(f) of this Act.”.

(b) **Clerical Amendment.**—The table of contents for the Foreign Intelligence Surveillance Act of 1978 is amended by striking the items relating to title III and inserting the following:

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‘TITLE III—PHYSICAL SEARCHES WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

Sec. 301. Authorization of physical searches for foreign intelligence purposes.
Sec. 302. Application for an order.
Sec. 303. Issuance of an order.
Sec. 304. Use of information.
Sec. 305. Congressional oversight.
Sec. 306. Penalties.
Sec. 307. Civil liability.
Sec. 308. Authorization during time of war.
Sec. 309. Definitions.

‘TITLE IV—EFFECTIVE DATE

Sec. 401. Effective Date.”.
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(c) **Effective Date.**—The amendments made by subsections (a) and (b) shall take effect 90 days after the date of enactment of this Act, except that any physical search approved by the Attorney General to gather foreign intel-
intelligence information shall not be deemed unlawful for failure to follow the procedures of title III of the Foreign Intelligence Surveillance Act of 1978 (as added by this Act), if that search is conducted within 180 days after the date of enactment of this Act pursuant to regulations issued by the Attorney General, which were in the possession of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before the date of enactment of this Act.

SEC. 710. LESSER CRIMINAL OFFENSE FOR UNAUTHORIZED REMOVAL OF CLASSIFIED DOCUMENTS.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1924. Unauthorized removal and retention of classified documents or material

(a) IN GENERAL.—Whoever, being an officer, employee, contractor, or consultant of the United States, and, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials containing classified information of the United States, knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location shall be fined not more than $1,000, or imprisoned for not more than 1 year, or both.
“(b) DEFINITION.—In this section, the term ‘classified information of the United States’ means information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure in the interests of national security.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“1924. Unauthorized removal and retention of classified documents or material.”.

SEC. 711. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—(1) In order to assist Congress in its oversight functions with respect to this Act and to improve the awareness of United States industry of foreign industrial espionage and the ability of such industry to protect against such espionage, the President shall submit to Congress a report that describes, as of the time of the report, the following:

(A) The respective policy functions and operational roles of the agencies of the executive branch of the Federal Government in identifying and countering threats to United States industry of foreign industrial espionage, including the manner in which such functions and roles are coordinated.
(B) The means by which the Federal Government communicates information on such threats, and on methods to protect against such threats, to United States industry in general and to United States companies known to be targets of foreign industrial espionage.

(C) The specific measures that are being or could be undertaken in order to improve the activities referred to in subparagraphs (A) and (B), including proposals for any modifications of law necessary to facilitate the undertaking of such activities.

(D) The threat to United States industry of foreign industrial espionage and any trends in that threat, including—

(i) the number and identity of the foreign governments conducting foreign industrial espionage;

(ii) the industrial sectors and types of information and technology targeted by such espionage; and

(iii) the methods used to conduct such espionage.

(2) The President shall submit the report required under this subsection not later than 6 months after the date of the enactment of this Act.
(b) Annual Update.—Not later than 1 year after the date referred to in paragraph (2) of subsection (a), and on the expiration of each year thereafter, the President shall submit to Congress a report updating the information referred to in paragraph (1)(D) of that subsection.

(c) Form of Reports.—To the maximum extent practicable, the reports referred to in subsections (a) and (b) shall be submitted in an unclassified form, but may be accompanied by a classified appendix.

(d) Report under Defense Production Act.—Section 721(k)(1)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(k)(1)(B)) is amended by inserting “or directly assisted” after “directed”.

(e) Definition.—For the purposes of this section, “foreign industrial espionage” means industrial espionage conducted by a foreign government or by a foreign company with direct assistance of a foreign government against a private United States company and aimed at obtaining commercial secrets.

SEC. 712 COUNTERNARCOTICS TARGETS FUNDING.

Not less than $10,000,000 from the NSA base budget shall be transferred to United States Army signals intelligence activities directed at counternarcotics targets. A detailed operations plan with special emphasis on the United States/Mexico border and including the participation of the
National Security Agency, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the United States Customs Service, shall be provided to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence no later than November 15, 1994. This plan shall include a detailed description of the planned targets and the type of intelligence collection, dissemination, analysis and tasking that will be included in these operations.

**TITLE VIII—COMMISSION ON THE ROLES AND CAPABILITIES OF THE UNITED STATES INTELLIGENCE COMMUNITY**

**SEC. 801. ESTABLISHMENT.**

There is established a commission to be known as the Commission on the Roles and Capabilities of the United States Intelligence Community (hereafter in this title referred to as the “Commission”).

**SEC. 802. COMPOSITION AND QUALIFICATIONS.**

(a) **Membership.—** (1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community.
(B) Two members shall be appointed by the Majority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the Minority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academe, journalism, or other profession, who have a substantial background in national security matters.

(b) CHAIRMAN.—The President shall designate one of the members appointed from private life to serve as Chairman of the Commission.
(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner as the original appointment.

(d) Deadline for Appointments.—The appointments required by section subsection (a) shall be made within 45 days after the date of enactment of this Act.

(e) Meetings.—(1) The Commission shall meet at the call of the Chairman.

(2) The Commission shall hold its first meeting not later than four months after the date of enactment of this Act.

(f) Quorum.—Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings, take testimony, or receive evidence.

(g) Security Clearances.—Appropriate security clearances shall be required for members of the Commission who are private United States citizens. Such clearances shall be processed and completed on an expedited basis by appropriate elements of the executive branch of Government and shall, in any case, be completed within 90 days of the date such members are appointed.
SEC. 803. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the activities of the United States intelligence community in the post-Cold War global environment; and

(2) to prepare and transmit the reports described in section 804.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall specifically consider the following:

(1) What should be the roles and missions of the intelligence community in terms of providing support to the defense and foreign policy establishments.

(2) Whether the roles and missions of the intelligence community should extend beyond the traditional areas of providing support to the defense and foreign policy establishments, and, if so, what areas should be considered legitimate for intelligence collection and analysis, and whether such areas should include for example, economic issues, environmental issues, and health issues.

(3) What functions, if any, should continue to be assigned the Central Intelligence Agency and what capabilities should it retain for the future.
(4) Whether the existing organization and management framework of the Central Intelligence Agency provide the optimal structure for the accomplishment of its mission.

(5) Whether existing principles and strategies governing the acquisition and maintenance of intelligence collection capabilities should be retained and what collection capabilities should the Government retain to meet future contingencies.

(6) Whether intelligence analysis, as it is currently structured and executed, adds sufficient value to information otherwise available to the Government to justify its continuation, and, if so, at what level of resources.

(7) Whether the existing decentralized system of intelligence analysis results in significant waste or duplication, and, if so, what can be done to correct these deficiencies.

(8) Whether the existing arrangements for allocating available resources to accomplish the roles and missions assigned to intelligence agencies are adequate.

(9) Whether the existing framework for coordinating among intelligence agencies with respect to intelligence collection and analysis and other activities,
including training and operational activities, pro-
vides an optimal structure for such coordination.

(10) Whether current personnel policies and
practices of intelligence agencies provide an optimal
work force to satisfy the needs of intelligence consum-
ers.

(11) Whether resources for intelligence activities
should continue to be allocated as part of the defense
budget or be treated by the President and Congress as
a separate budgetary program.

(12) Whether the existing levels of resources allo-
cated for intelligence collection or intelligence analy-
sis, or to provide a capability to conduct covert ac-
tions, are seriously at variance with United States
needs.

(13) Whether there are areas of redundant or
overlapping activity or areas where there is evidence
of serious waste, duplication, or mismanagement.

(14) To what extent, if any, should the budget for
United States intelligence activities be publicly dis-
closed.

(15) To what extent, if any, should the United
States intelligence community collect information
bearing upon private commercial activity and the
manner in which such information should be controlled and disseminated.

(16) Whether counterintelligence policies and practices are adequate to ensure that employees of intelligence agencies are sensitive to security problems, and whether intelligence agencies themselves have adequate authority and capability to address perceived security problems.

(17) The manner in which the size, missions, capabilities, and resources of the United States intelligence community compare to those of the Governments of the United Kingdom, Canada, Australia, France, Israel, Russia, and Germany.

(18) Whether existing collaborative arrangements between the United States and other countries in the area of intelligence cooperation should be maintained and whether such arrangements should be expanded to provide for increased burdensharing.

(19) Whether existing arrangements for sharing intelligence with multinational organizations in support of mutually-shared objectives are adequate.

SEC. 804. REPORTS.

(a) Initial Report.—Not later than two months after the first meeting of the Commission, the Commission shall
transmit to the congressional intelligence committees a report setting forth its plan for the work of the Commission.

(b) INTERIM REPORTS.— Prior to the submission of the report required by subsection (c), the Commission may issue such interim reports as it finds necessary and desirable.

(c) FINAL REPORT.— No later than March 1, 1996, the Commission shall submit to the President and to the congressional intelligence committees a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for the enactment of legislation that the Commission considers advisable. To the extent feasible, such report shall be unclassified and made available to the public. Such report shall be supplemented as necessary by a classified report or annex, which shall be provided separately to the President and the congressional intelligence committees.

SEC. 805. POWERS.

(a) HEARINGS.— The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this section, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION FROM FEDERAL AGENCIES.— The Commission may secure directly from any intelligence
agency or from any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section. Upon request of the Chairman of the Commission, the head of any such department or agency shall furnish such information expeditiously to the Commission.

(c) Postal Services.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Subcommittees.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(e) Authority of Individuals To Act for Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.
SEC. 806. PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is a private United States citizen shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are Members of Congress shall serve without compensation in addition to that received for their services as Members of Congress.

(b) Travel Expenses.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The Chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the ap-
proval of the Commission. No member of the staff shall be a current officer or employee of the intelligence community.

(2) COMPENSATION.—The Chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any Federal department or agency may detail, on a non-reimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its administrative and clerical functions, except that no person shall be detailed to the staff of the Commission who is an officer or employee of an intelligence agency.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may
procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individu-als which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

(f) Administrative and Support Services.—The Director of Central Intelligence shall furnish the Commission, on a non-reimbursable basis, any administrative and support services requested by the Commission consistent with this title.

SEC. 807. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, per diem allowances of members and employees of the Commission, and other expenses of the Commission shall be paid out of funds available to the Director of Central Intelligence for the payment of compensation, travel allowances, and per diem allowances, respectively, of employees of the Central Intelligence Agency.

SEC. 808. TERMINATION OF THE COMMISSION.

The Commission shall terminate one month after the date of the submission of the report required by section 804(c).

SEC. 809. DEFINITIONS.

For purposes of this title—
(1) the term "intelligence agency" means any agency, office, or element of the intelligence community;

(2) the term "intelligence community" shall have the same meaning as set forth in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

(3) the term "congressional intelligence committees" refers to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Attest:

Secretary.