

Public Law 102-183
102d Congress

An Act

Dec. 4, 1991
[H.R. 2038]

Intelligence
Authorization
Act, Fiscal Year
1992.

To authorize appropriations for fiscal year 1992 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

SECTION 1. SHORT TITLE.

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

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

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

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

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) **AUTHORITY FOR ADJUSTMENTS.**—The Director of Central Intelligence may authorize employment of civilian personnel in excess of

President.

the numbers authorized for fiscal year 1992 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under those sections for that element.

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

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

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

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

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

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

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

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) by striking out the last sentence.

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

Ante, p. 1262.

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

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

(C) by striking out the last sentence.

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

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

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

50 USC 403 note.

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

50 USC 403 note.

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

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

50 USC 403 note.

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

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

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

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

"(ii) who elects at that time (in accordance with subsection (b)) to waive a survivor annuity for the spouse,

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

"(B) A participant or former participant—

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

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

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

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

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

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

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

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

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

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

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

50 USC 403 note.

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

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

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

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

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

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

50 USC 403 note.

Section 224(c)(2)(A) is amended—

(1) by striking out “require within thirty months after the effective date of this section.” and inserting in lieu thereof

“require. Any such application and documentation shall be submitted not later than April 1, 1989.”; and

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

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

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

50 USC 403 note.

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

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

50 USC 403 note.

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

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

(3) by striking out “married for at least nine months with service creditable under section 8332 of title 5, United States Code” and inserting in lieu thereof “as prescribed by the Civil Service Retirement Spouse Equity Act of 1984”.

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

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

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

(3) by striking out subsection (d).

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

50 USC 403 note.

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

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

Section 235(b) is amended—

50 USC 403 note.

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

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

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

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

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

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

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

5 USC 8351 note.

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

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

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

50 USC 403 note.

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

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

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

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

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

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

50 USC 403 note.

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

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

50 USC 403 note.

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

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

50 USC 403 note.

TITLE IV—GENERAL PROVISIONS

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

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

SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 403. INTELLIGENCE COMMUNITY CONTRACTING.

50 USC 403-2.

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

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

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

"Inspector General, Central Intelligence Agency".

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

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

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

50 USC 402 note.

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

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

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

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

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

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

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

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

TITLE V—FEDERAL BUREAU OF INVESTIGATION PROVISIONS

28 USC 532 note.

SEC. 501. FBI CRITICAL SKILLS SCHOLARSHIP PROGRAM.

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

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

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

**TITLE VI—CENTRAL INTELLIGENCE AGENCY
CONSOLIDATION PLAN****SEC. 601. CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN.**

50 USC 403 note.

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

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

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

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

(1) The Director of Central Intelligence has certified—

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

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

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

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

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

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

Reports.

tion plan will conform to applicable local governmental regulations.

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

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

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

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

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

Reports.

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

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

(B) a description of the anticipated effect of implementing the consolidation plan on personnel of the Central Intelligence Agency, including a discussion of the organizations and personnel that will be relocated and the rationale for such relocations and the Director's assurance that personnel are consulted and considered in the consolidation effort; and

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

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

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

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

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

50 USC 414 note.

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

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

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

National
Security
Education Act of
1991.
50 USC 1901.

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

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

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

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

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

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

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

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

(6) The Federal Government also has an interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations.

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

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

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

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

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

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

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

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

50 USC 1902.

(a) **PROGRAM REQUIRED.**—

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

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

(B) awarding fellowships to graduate students who—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

50 USC 1903.

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

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

- (1) The Secretary of Defense, who shall serve as the chairman of the Board.
- (2) The Secretary of Education.
- (3) The Secretary of State.
- (4) The Secretary of Commerce.
- (5) The Director of Central Intelligence.
- (6) The Director of the United States Information Agency.
- (7) Four individuals appointed by the President, by and with the advice and consent of the Senate, who shall be experts in the fields of international, language, and area studies education.

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

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

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

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

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

(4) Make recommendations to the Secretary regarding—

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

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

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

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

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

50 USC 1904.

SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

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

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

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

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

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

(c) **INVESTMENT OF FUND ASSETS.**—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately

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

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

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

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

SEC. 805. REGULATIONS AND ADMINISTRATIVE PROVISIONS

50 USC 1905.

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

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

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

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

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

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

50 USC 1906.

SEC. 806. ANNUAL REPORT.

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

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

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

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

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

(4) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, to include the degree to which assistance was terminated under the program and the extent to which individual recipients failed to meet their obligations under the program;

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

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

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

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

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

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

50 USC 1907.

SEC. 807. GENERAL ACCOUNTING OFFICE AUDITS.

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

50 USC 1908.

SEC. 808. DEFINITIONS.

For the purpose of this title:

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

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

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

SEC. 809. FISCAL YEAR 1992 FUNDING.

50 USC 1909.

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

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

Approved December 4, 1991.

LEGISLATIVE HISTORY—H.R. 2038 (S. 1539):

HOUSE REPORTS: Nos. 102-65, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Armed Services), and 102-327 (Comm. of Conference).

SENATE REPORTS: Nos. 102-117 (Select Comm. on Intelligence) and 102-172 (Comm. on Armed Services), both accompanying S. 1539.

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 11, considered and passed House.

Oct. 16, considered and passed Senate, amended, in lieu of S. 1539.

Nov. 20, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Dec. 4, Presidential statement.