

Central Intelligence Agency

Executive Registry

84 - 1356



Washington, D.C. 20505

28 MAR 1984

The Honorable George Bush
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

This letter transmits for the consideration of the Congress a proposed "Intelligence Authorization Act for Fiscal Year 1985."

To continue the progress which the Executive and Legislative Branches have taken together toward revitalization of our nation's intelligence mission, sufficient resources in Fiscal Year 1985 must be provided to ensure availability of the intelligence capabilities needed to meet the challenges facing the Intelligence Community. I am confident that the Congress will provide the sources needed to continue the progress which we have sought together.

The proposed Intelligence Authorization Act is accompanied by a detailed section-by-section explanation. Timely consideration of the "Intelligence Authorization Act for Fiscal Year 1985" would be most welcome. The Office of Management and Budget has advised that enactment of this proposed legislation would be in accordance with the President's program.

Sincerely,

/s/ William J. Casey

William J. Casey
Director of Central Intelligence

Enclosure

Central Intelligence Agency



Washington, D.C. 20505

Executive Registry

94-1356/1

28 MAR 1984

The Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

This letter transmits for the consideration of the Congress a proposed "Intelligence Authorization Act for Fiscal Year 1985."

To continue the progress which the Executive and Legislative Branches have taken together toward revitalization of our nation's intelligence mission, sufficient resources in Fiscal Year 1985 must be provided to ensure the availability of the intelligence capabilities needed to meet the challenges facing the Intelligence Community. I am confident that the Congress will provide the resources needed to continue the progress which we have sought together.

The proposed Intelligence Authorization Act is accompanied by a detailed section-by-section explanation. Timely consideration of the "Intelligence Authorization Act for Fiscal Year 1985" would be most welcome. The Office of Management and Budget has advised that enactment of this proposed legislation would be in accordance with the President's program.

Sincerely,

/s/ William J. Casey

William J. Casey
Director of Central Intelligence

Enclosure

A BILL

To authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1985".

TITLE I - INTELLIGENCE ACTIVITIES

Authorization of Appropriations

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

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

Classified Schedule of Authorizations

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1985, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany [] of the Ninety-Eighth Congress. That Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule within the Executive Branch.

Congressional Notification of Expenditures
in Excess of Program Authorizations

SEC. 103. During fiscal year 1985, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

Personnel Ceiling Adjustments

SEC. 104. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1985 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. 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 this section.

TITLE II - INTELLIGENCE COMMUNITY STAFF

Authorization of Appropriations

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1985 the sum of \$21,827,000.00.

Authorization of Personnel End-Strength

SEC. 202. The Intelligence Community Staff is authorized two hundred and thirty two (232) full-time personnel as of September 30, 1985. 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) During fiscal year 1985, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1985, 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.

Intelligence Community Staff Administered
in Same Manner as Central Intelligence Agency

SEC. 203. During fiscal year 1985, 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-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III - CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Authorization of Appropriations

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1985 the sum of \$99,300,000.

TITLE IV - MODIFICATION OF CERTAIN
NATURALIZATION REQUIREMENTS

Immigration and Nationality Act Amendment

SEC. 401. Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end thereof the following new subsection:

"(g) Whenever the Director of Central Intelligence, the Attorney General, and the Commissioner of Immigration, shall determine that a petitioner otherwise eligible for naturalization has made a significant contribution to the national security or to the national intelligence mission, the petitioner may be naturalized without regard to the residence and physical presence requirements of this section, or to the prohibitions of Section 313 of this Act, and no residence within the jurisdiction of the court shall be required."

TITLE V - ADMINISTRATIVE PROVISIONS RELATED
TO INTELLIGENCE AGENCIES

Compensation of Director and Deputy
Director of Central Intelligence

SEC. 501. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"() Director of Central Intelligence."

(b) Section 5313 of title 5, United States Code, is amended by inserting "Deputy" before "Director of Central Intelligence."

(c) Section 5314 of title 5, United States Code, is amended by striking out "Deputy Director of Central Intelligence."

CIA Performance of Security-Related Duties

SEC. 502. Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by adding at the end of subsection (g) the following new subsection:

"(h) Accept, notwithstanding section 102(d)(3) of the National Security Act of 1947, a delegation from the Administrator of General Services of authority to protect persons and property with the powers set forth in section 318 of Title 40, United States Code, and of authority to promulgate rules and regulations for the protection of property under Agency charge and control with the powers set forth in section 318a of Title 40, United States Code."

TITLE VI - GENERAL PROVISIONS

Restriction on Conduct of Intelligence Activities

SEC. 601. 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.

Increases in Employee Benefits Authorized by Law

SEC. 602. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

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

SEC. 603. There are authorized to be appropriated for fiscal year 1986 such sums as may be necessary for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability Fund.

**INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1985**

**SECTION-BY-SECTION ANALYSIS
AND EXPLANATION**

TITLE I

INTELLIGENCE ACTIVITIES

Section 101 lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1985.

Section 102 makes clear that details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and personnel ceilings covered under this title for fiscal year 1985 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated into the Act by this section.

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

Should questions arise as to the relationship between this section and section 105 of the National Security Act of 1947, it is expected that resolution will be guided by the principles of comity and mutual understanding set forth in the legislative history accompanying the statutory intelligence oversight provisions enacted in 1980.

Section 104 authorizes the Director of Central Intelligence in fiscal year 1985 to expand the personnel ceilings applicable to the components of the Intelligence Community under Sections 102 and 202 by an amount not to exceed 2 percent of the total of the ceilings applicable under these sections. The Director may exercise this authority only when necessary to the performance of important intelligence functions or to the maintenance of a stable personnel force, and any exercise of this authority must be reported to the two intelligence committees of the Congress.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Section 201 authorizes appropriations in the amount of \$21,827,000 for the staffing and administration of the Intelligence Community Staff.

Section 202 provides details concerning the number and composition of Intelligence Community Staff personnel.

Subsection (a) authorizes two hundred thirty-two (232) full-time personnel for the Intelligence Community Staff for fiscal year 1985, and provides that personnel of the Intelligence Community Staff may be permanent employees of the Staff or detailed from various elements of the United States Government.

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

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

Section 203 provides that the Director of Central Intelligence shall utilize existing statutory authority to manage the activities and to pay the personnel of the Intelligence Community Staff. This language reaffirms the statutory authority of the Director of Central Intelligence and clarifies the legal status of the Intelligence Community Staff. In the case of detailed personnel, it is understood that the authority of the Director of Central Intelligence to discharge personnel extends only to discharge from service at the Intelligence Community Staff and not from federal employment or military service.

TITLE III

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Section 301 authorizes fiscal year 1985 appropriations in the amount of \$99,300,000 for the Central Intelligence Agency Retirement and Disability Fund.

TITLE IV

MODIFICATION OF CERTAIN
NATURALIZATION REQUIREMENTS

Section 401 amends section 316 of the Immigration and Nationality Act, 8 U.S.C. 1427, to authorize the waiver of three requirements for naturalization for certain persons who have made significant contributions to the national security or to the national intelligence mission. The requirements are general residency and physical presence, the requirements imposed on members of certain organizations, and the requirement that the naturalization petition be filed in the court which has jurisdiction over the petitioner's place of residence. Congress has established a number of conditions on the granting of United States citizenship. These are set forth in Chapter 2 of Title III of the Immigration and Nationality Act, 8 U.S.C. 1421 et seq. The Congress has recognized, however, that when necessary to other governmental interests, certain of these requirements should be reduced or waived entirely. Unfortunately, there remain some requirements of the Immigration and Nationality Act which prevent complete recognition of significant contributions made to the national security or to the national intelligence mission. Section 401 seeks to remedy this situation by addressing three requirements which currently stand in the way of expeditious naturalization of individuals making such contributions. Under the amendment proposed in section 401, waivers would be authorized in recognition of outstanding contributions to the United States and of the fact that the character and quality of service to the United States by certain individuals demonstrates that there is no need for them to serve a probationary period of residence to prove their fitness for citizenship.

The waivers authorized by proposed subsection (g) of section 316 of the Immigration and Nationality Act are limited in nature. They would become operative only after initiation by the Director of Central Intelligence, the Attorney General and the Commissioner of Immigration and Naturalization. Waivers would be authorized only for three very specific requirements for naturalization. Individuals granted such waivers would have to comply with all other naturalization requirements.

TITLE V

ADMINISTRATIVE PROVISIONS RELATED TO
INTELLIGENCE AGENCIES

Section 501 adjusts the annual rates of basic pay for the positions of Director and Deputy Director of Central Intelligence. Section 5312 of title 5, United States Code, currently lists fourteen (14) positions which have an annual rate of basic pay at level 1 of the Executive Schedule. Subsection 501(a) would add the Director of Central Intelligence to the list. Section 5313 of title 5, United States Code, sets forth those positions which have an annual rate of basic pay at level 11 of the Executive Schedule. The Director of Central Intelligence is presently included in this listing. Subsection 501(b) would change the listed position of Director of Central Intelligence to Deputy Director of Central Intelligence. Given the addition of the Deputy Director of Central Intelligence to the Executive Schedule level 11 position listed in Section 5313, it becomes necessary to amend Section 5314 of title 5, United States Code, to strike the Deputy Director of Central Intelligence from the positions listed as receiving an annual rate of basic pay at level 111 of the Executive Schedule. Subsection 501(c) accomplishes this.

Section 502 authorizes the Agency to receive a delegation of authority from the Administrator of General Services to protect Agency facilities, property and personnel with the powers provided the General Services Administration (GSA) in section 318 of Title 40, United States Code. The Agency, on several occasions, has considered accepting a delegation from GSA of certain of the unique protective authorities exercised by GSA with respect to Agency facilities. The authorities which the Agency has contemplated accepting are those set forth in 40 U.S.C. Section 318, which authorizes GSA to police certain Government buildings by enforcing laws enacted for the protection of persons and property, to prevent breaches of the peace and to otherwise enforce rules and regulations promulgated by the Administrator of GSA for the protection of Government property. In considering whether to accept a delegation from GSA of the above authorities, a question has been raised concerning the Agency's ability to accept such a delegation and exercise the above authorities given the proviso contained in the National Security Act of 1947 that the Agency may exercise "no police, subpoena, law-enforcement powers, or internal security functions...."

To facilitate this desired transfer of authorities from GSA to CIA, this section eliminates any doubt concerning the Agency's ability to receive and exercise with respect to CIA

facilities these delegated security-related powers in light of the above prohibition contained in the 1947 Act. This section authorizes the Agency to accept a delegation of those powers set forth in section 318, the exercise of which would be limited to those essential functions needed to insure the safety and protection of Agency property and the persons thereon. This section also authorizes the Agency to promulgate rules and regulations for the protection of any property under the Agency's charge and control. The authority to promulgate rules and regulations permits the Agency to tailor to the needs of CIA those GSA regulations which are in effect for federal property under GSA custody and control.

TITLE VI

GENERAL PROVISIONS

Section 601 makes clear that, with the exception of any specific legislative authorities which may be contained in the Intelligence Authorization Act for Fiscal Year 1985, the Act is intended only to authorize appropriations and does not constitute authority for the conduct of any intelligence activity prohibited by the Constitution or laws of the United States.

Section 602 authorizes the increase of appropriations authorized by the Act for salary, pay, retirement and other benefits for federal employees as necessary for increases in such benefits authorized by law.

Section 603 authorizes such sums as may be necessary for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1986. This section also brings the authorization process into compliance with section 607 of Public Law 93-344, the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. §1110) which requires that appropriations be authorized in the calendar year prior to the year in which the fiscal year begins.

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1985

CHANGES IN EXISTING LAW

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

TITLE I

INTELLIGENCE ACTIVITIES

Section 101: No substantive change.

Section 102: No substantive change.

Section 103: No substantive change from Section 103 of the fiscal year 1984 Act.

Section 104: No substantive change from Section 107 of the fiscal year 1984 Act.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Section 201: No substantive change.

Section 202: No substantive change.

Section 203: No substantive change.

TITLE III

CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Section 301: \$99,300,000.00.

TITLE IV

MODIFICATION OF CERTAIN
NATURALIZATION REQUIREMENTS

Section 401: Amends Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), by adding at the end thereof a new subsection (g), as follows:

Requirements As To Residence, Good Moral Character, Attachment to the Principles of the Constitution, and Favorable Disposition to the United States.

* * *

(g) Whenever the Director of Central Intelligence, the Attorney General, and the Commissioner of Immigration shall determine that a petitioner otherwise eligible for naturalization has made a significant contribution to the national security or to the national intelligence mission, the petitioner may be naturalized without regard to the residence and physical presence requirements of this section, or to the prohibitions of Section 313 of this Act, and no residence within the jurisdiction of the court shall be required.

TITLE V

ADMINISTRATIVE PROVISIONS RELATED TO
INTELLIGENCE AGENCIES

Section 501: Amends title 5, United States Code, as follows:

5 U.S.C. 5312

* * * * *

Director of Central Intelligence.

5 U.S.C. 5313

* * * * *

Deputy Director of Central Intelligence.

* * * * *

5 U.S.C. 5314

* * * * *

[Deputy Director of Central Intelligence.]

* * * * *

Section 502: Amends Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) by adding at the end of subsection (g) the following new subsection:

"(h) Accept, notwithstanding section 102(d)(3) of the National Security Act of 1947, a delegation from the Administrator of General Services of authority to protect persons and property with the powers set forth in section 318 of Title 40, United States Code, and of authority to promulgate rules and regulations for the protection of property under Agency charge and control with the powers set forth in section 318a of Title 40, United States Code."

TITLE VI

GENERAL PROVISIONS

Section 601: No substantive change.

Section 602: No substantive change.

Section 603: New provision.

**INTELLIGENCE AUTHORIZATION ACT
FOR FISCAL YEAR 1985**

COST ANALYSIS

TITLE I

INTELLIGENCE ACTIVITIES

Section 101: Fiscal Year 1985 authorizations are contained in the Classified Schedule of Authorizations.

Section 102: Cost analysis not applicable.

Section 103: Cost analysis not applicable.

Section 104: Cost contingent upon exercise of permissive authority.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Section 201: The fiscal year 1985 authorization is \$21,827,000.00

Section 202: Cost analysis not applicable.

Section 203: Cost analysis not applicable.

TITLE III

CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Section 301: The fiscal year 1985 authorization is \$99,300,000.00.

TITLE IV

MODIFICATION OF CERTAIN NATURALIZATION REQUIREMENTS

Section 401: Cost analysis not applicable.

TITLE V

ADMINISTRATIVE PROVISIONS RELATED
TO INTELLIGENCE AGENCIES

Subsection 501: (a) Would result in a cost of \$10,700.00 per annum, representing the current difference between the annual rate of basic pay payable for positions listed at level 1 of the Executive Schedule and those listed at level 11.

Subsection 501: (b) Would result in a cost of \$1,400.00 per annum, representing the current difference between the annual rate of basic pay payable for positions listed at level 11 of the Executive Schedule and those listed at level 111.

Subsection 501: (c) Cost analysis not applicable.

Section 502: Cost analysis not applicable.

TITLE VI

GENERAL PROVISIONS

Section 601: Cost analysis not applicable.

Section 602: Cost analysis impossible to determine.

Section 603: Technical compliance with section 607 of Public Law 93-344 only; cost analysis not applicable.