

99TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

{ REPT. 99-106
Part 2 }

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR
1986

MAY 23, 1985.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. ASPIN, from the Committee on Armed Services,
submitted the following

REPORT

[To accompany H.R. 2419]

The Committee on Armed Services, to whom was referred the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 2419 would authorize appropriations and related matters for fiscal year 1986, for certain Department of Defense intelligence-related activities within the jurisdiction shared by the Committee on Armed Services and the Permanent Select Committee on Intelligence pursuant to the provisions of clause 1(c), rule X and clause 2(b), rule XLVIII of the Rules of the House of Representatives, and title 10, United States Code, section 138.

SEQUENTIAL REFERRAL

H.R. 2419 was originally referred only to the Permanent Select Committee on Intelligence. Because Department of Defense intelligence-related activities are shared jointly with this committee and the select committee, pursuant to clause 1(c), rule X and clause 2(b), rule XLVIII of the Rules of the House of Representatives, the bill was sequentially referred on May 15, 1985, for consideration of those areas within the jurisdiction of this committee for a period ending not later than May 24, 1985.

51-006 O

BACKGROUND AND DISCUSSION

The committee exercised its oversight jurisdiction, as shared with the Permanent Select Committee on Intelligence, with regard to those Department of Defense intelligence-related activities items that fall within the authorization authority of the committee as contained in title 10, United States Code, section 138.

In anticipation of the sequential referral of H.R. 2419, the Committee on Armed Services, in its report on H.R. 1872 (House Report 99-81), the Department of Defense Authorization Act for fiscal year 1986, reflected the agreement of this committee on those intelligence-related activities items.

Because the specific figures in the Department of Defense intelligence-related activities accounts are classified, they are included only in the classified annex of the report on H.R. 2419 prepared by the Permanent Select Committee on Intelligence.

DEPARTMENTAL VIEWS

The programs approved were a part of the overall program submitted by the Department of Defense for authorization for appropriations for fiscal year 1986.

COMMITTEE POSITION

The report of the Committee on Armed Services on H.R. 1872 (House Report 99-81), the Department of Defense Authorization Act for fiscal year 1986, reflects the agreement of this committee on those intelligence-related activities items contained in H.R. 2419 that fall within the jurisdiction of this committee. The committee on May 8, 1985, a quorum being present, agreed to report H.R. 1872, by rollcall vote of 39 to 7, which agreement was confirmed by the committee with regard to intelligence-related activities on May 22, 1985, a quorum being present, by voice vote.

FISCAL DATA

Five-year cost projection

Pursuant to clause 7, rule XIII of the Rules of the House of Representatives, the committee reports that the cost estimate for fiscal years 1986 and the following five years as they relate to specific actions by the committee are included in the classified annex of the report on H.R. 2419 prepared by the Permanent Select Committee on Intelligence. Accordingly, the committee adopts the comments of the select committee in part 1 of the report on H.R. 2419, as they relate to matters within the jurisdiction of the Armed Services Committee.

Congressional Budget Office estimate

In compliance with clause 2(1)(3)(C), rule XI of the Rules of the House of Representatives, the committee adopts the comments of the Permanent Select Committee on Intelligence in part 1 of the report on H.R. 2419, indicating that the committee has received no report from the Congressional Budget Office. However, pertinent programs under the jurisdiction of the Armed Services Committee

were reflected in the Congressional Budget Office report on H.R. 1872.

Inflation-impact statement

In compliance with clause 2(1)(4), rule XI of the Rules of the House of Representatives, the committee adopts the position of the Permanent Select Committee on Intelligence in part 1 of the report on H.R. 2419, as it relates to matters within the jurisdiction of the Armed Services Committee.

OVERSIGHT FINDINGS

With reference to clause 2(1)(3)(D), rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

In compliance with clause 2(b)(1), rule X of the Rules of the House of Representatives, the committee reports that it reviewed carefully in conjunction with reporting H.R. 1872, the Department of Defense Authorization Act for fiscal year 1986, the various aspects of intelligence-related activities of the Department of Defense. This review was equally pertinent to those same programs as reflected in the classified annex of the report on H.R. 2419 prepared by the Permanent Select Committee on Intelligence. That review constitutes but one element of the continuing examination of the national defense and intelligence establishments as a major segment of the committee's oversight responsibilities with regard to national security.

CHANGES IN EXISTING LAW

Changes in existing law are contained in Part 1 of the report.

SUMMARY

Background and purpose

H.R. 2419 would authorize appropriations and related matters for fiscal year 1986, for certain Department of Defense intelligence-related activities within the jurisdiction shared by the Committee on Armed Services and the Permanent Select Committee on Intelligence pursuant to the provisions of clause 1(c), rule X and clause 2(b), rule XLVIII of the Rules of the House of Representatives.

Because the matters acted on by the committee were confined basically to classified items in the Department of Defense intelligence-related activities category, the committee recommendations are reflected in the classified annex to the report on H.R. 2419 prepared by the Permanent Select Committee on Intelligence. This committee and the select committee reached an agreement on all matters that were jointly considered.

Fiscal data

The estimate of costs for fiscal year 1986 and the following five years as they relate to the specific recommendations for the Department of Defense intelligence-related activities are included in

the classified annex to the report on H.R. 2419 prepared by the Permanent Select Committee on Intelligence.

Departmental position

The programs approved were a part of the overall program submitted by the Department of Defense for authorization for appropriations for fiscal year 1986.

Committee position

The Committee on Armed Services on April 11, 1984, agreed to report by a rollcall vote of 39 to 7, H.R. 1872, the fiscal year 1986 Department of Defense Authorization Act, that reflects the agreement of the committee on those intelligence-related activities items contained in H.R. 2419. The committee reconfirmed that action on May 22, 1985, a quorum being present, by voice vote.

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Calendar No. 239

99TH CONGRESS
1ST SESSION

H. R. 2419

IN THE SENATE OF THE UNITED STATES

JULY 22 (legislative day, JULY 16), 1985
Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 1986 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Authoriza-
4 tion Act for Fiscal Year 1986".

1 **TITLE I—INTELLIGENCE ACTIVITIES**

2 **AUTHORIZATION OF APPROPRIATIONS**

3 **SEC. 101. Funds are hereby authorized to be appropri-**
4 **ated for fiscal year 1986 for the conduct of the intelligence**
5 **and intelligence-related activities of the following elements**
6 **(or offices, agencies or subelements thereof) of the United**
7 **States Government:**

8 (1) **The Central Intelligence Agency.**

9 (2) **The Department of Defense.**

10 (3) **The Defense Intelligence Agency.**

11 (4) **The National Security Agency.**

12 (5) **The Department of the Army, the Department**
13 **of the Navy, and the Department of the Air Force.**

14 (6) **The Department of State.**

15 (7) **The Department of the Treasury.**

16 (8) **The Department of Energy.**

17 (9) **The Federal Bureau of Investigation.**

18 (10) **The Drug Enforcement Administration.**

19 **CLASSIFIED SCHEDULE OF AUTHORIZATIONS**

20 **SEC. 102. The amounts authorized to be appropriated**
21 **under section 101, and the authorized personnel ceilings as of**
22 **September 30, 1986, for the conduct of the intelligence and**
23 **intelligence-related activities of the elements (or offices,**
24 **agencies or subelements thereof) listed in such section, are**
25 **those specified in the classified Schedule of Authorizations**
26 **prepared by the Permanent Select Committee on Intelligence**

1 to accompany H.R. 2419 of the Ninety-ninth Congress. That
2 Schedule of Authorizations shall be made available to the
3 Committees on Appropriations of the Senate and House of
4 Representatives and to the President. The President shall
5 provide for suitable distribution of the Schedule, or of appro-
6 priate portions of the Schedule, within the executive branch.

7 **AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTER-**
8 **RORISM ACTIVITIES OF THE FEDERAL BUREAU OF**
9 **INVESTIGATION**

10 **SEC. 103.** In addition to the amounts authorized to be
11 appropriated under section 101(9), there is authorized to be
12 appropriated for fiscal year 1986 the sum of \$15,200,000 for
13 the conduct of the activities of the Federal Bureau of Investi-
14 gation to counter terrorism in the United States.

15 **PERSONNEL CEILING ADJUSTMENTS**

16 **SEC. 104.** The Director of Central Intelligence may au-
17 thorize employment of civilian personnel in excess of the
18 numbers authorized for the fiscal year 1986 under sections
19 102 and 202 of this Act when he determines that such action
20 is necessary to the performance of important intelligence
21 functions, except that such number may not, for any element
22 (or offices, agencies or subelements thereof) of the Intelli-
23 gence Community, exceed 2 per centum of the number of
24 civilian personnel authorized under such sections for such ele-
25 ment. The Director of Central Intelligence shall promptly
26 notify the Permanent Select Committee on Intelligence of the

1 House of Representatives and the Select Committee on Intel-
2 ligence of the Senate whenever he exercises the authority
3 granted by this section.

4 PROHIBITION ON COVERT ASSISTANCE FOR MILITARY

5 OPERATIONS IN NICARAGUA

6 SEC. 105. During fiscal year 1986, no funds available to
7 the Central Intelligence Agency, Department of Defense, or
8 any other agency or entity of the United States involved in
9 intelligence activities may be obligated or expended, directly
10 or indirectly, for material assistance to the Nicaraguan demo-
11 cratic resistance including arms, ammunition, or other equip-
12 ment or material which could be used to inflict serious bodily
13 harm or death, or which would have the effect of providing
14 arms, ammunition or other weapons of war for military or
15 paramilitary operations in Nicaragua by any group, organiza-
16 tion, movement or individual.

17 TITLE II—INTELLIGENCE COMMUNITY STAFF

18 AUTHORIZATION OF APPROPRIATIONS

19 SEC. 201. There is authorized to be appropriated for the
20 Intelligence Community Staff for fiscal year 1986 the sum of
21 \$21,000,000.

22 AUTHORIZATION OF PERSONNEL END-STRENGTH

23 SEC. 202. (a) The Intelligence Community Staff is au-
24 thorized two hundred and thirty-three full-time personnel as
25 of September 30, 1986. Such personnel of the Intelligence
26 Community Staff may be permanent employees of the Intelli-

1 gence Community Staff or personnel detailed from other ele-
2 ments of the United States Government.

3 (b) During fiscal year 1986, personnel of the Intelli-
4 gence Community Staff shall be selected so as to provide
5 appropriate representation from elements of the United
6 States Government engaged in intelligence and intelligence-
7 related activities.

8 (c) During fiscal year 1986, any officer or employee of
9 the United States or a member of the Armed Forces who is
10 detailed to the Intelligence Community Staff from another
11 element of the United States Government shall be detailed on
12 a reimbursable basis, except that any such officer, employee,
13 or member may be detailed on a nonreimbursable basis for a
14 period of less than one year for the performance of temporary
15 functions as required by the Director of Central Intelligence.

16 INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN
17 SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

18 SEC. 203. During fiscal year 1986, activities and per-
19 sonnel of the Intelligence Community Staff shall be subject to
20 the provisions of the National Security Act of 1947 (50
21 U.S.C. 401 et seq.) and the Central Intelligence Agency Act
22 of 1949 (50 U.S.C. 403a et seq.) in the same manner as
23 activities and personnel of the Central Intelligence Agency.

1 **TITLE III—CENTRAL INTELLIGENCE AGENCY**

2 **RETIREMENT AND DISABILITY SYSTEM**

3 **AUTHORIZATION OF APPROPRIATIONS**

4 **SEC. 301.** There is authorized to be appropriated for the
5 **Central Intelligence Agency Retirement and Disability Fund**
6 **for fiscal year 1986 the sum of \$101,400,000.**

7 **TITLE IV—PROVISIONS RELATING TO**
8 **INTELLIGENCE AGENCIES**

9 **SEC. 401. (a)** Title V of the National Security Act of
10 **1947 (50 U.S.C. 413), relating to accountability for intelli-**
11 **gence activities, is amended by adding at the end thereof the**
12 **following:**

13 **“NOTICE TO CONGRESS OF CERTAIN EXPENDITURES AND**
14 **CERTAIN TRANSFERS OF DEFENSE ARTICLES**

15 **“SEC. 502. (a)(1)** Funds available to an intelligence
16 **agency may be obligated or expended for an intelligence or**
17 **intelligence-related activity only if—**

18 **“(A)** those funds were specifically authorized by
19 **the Congress for use for such activity; or**

20 **“(B)** in the case of funds from the Reserve for
21 **Contingencies of the Central Intelligence Agency and**
22 **consistent with the provisions of section 501 of this**
23 **Act concerning any significant anticipated intelligence**
24 **activity, the Director of Central Intelligence has noti-**
25 **fied the appropriate congressional committees of the**

1 intent to make such funds available for such activity;

2 or

3 “(C) in the case of funds specifically authorized by
4 the Congress for a different activity—

5 “(i) the activity to be funded is a higher pri-
6 ority intelligence or intelligence-related activity;

7 “(ii) the need for funds for such activity is
8 based on unforeseen requirements; and

9 “(iii) the Director of Central Intelligence or
10 the Secretary of Defense has notified the appro-
11 priate congressional committees of the intent to
12 make such funds available for such activity.

13 “(2) Funds available to an intelligence agency may not
14 be made available for any intelligence or intelligence-related
15 activity for which funds were denied by the Congress.

16 “(b)(1) The transfer of a defense article or defense serv-
17 ice exceeding \$1,000,000 in value by an intelligence agency
18 to a recipient outside that agency shall be considered a signif-
19 icant anticipated intelligence activity for the purpose of sec-
20 tion 501 of this Act.

21 “(2) Paragraph (1) does not apply if—

22 “(A) the transfer is being made to a department,
23 agency, or other entity of the United States (so long as
24 there will not be a subsequent retransfer of the defense
25 articles or defense services outside the United States

1 Government in conjunction with an intelligence or in-
2 telligence-related activity); or

3 “(B) the transfer—

4 “(i) is being made pursuant to authorities
5 contained in part II of the Foreign Assistance Act
6 of 1961, the Arms Export Control Act, title 10 of
7 the United States Code (including a law enacted
8 pursuant to section 7307(b)(1) of that title), or the
9 Federal Property and Administrative Services Act
10 of 1949, and

11 “(ii) is not being made in conjunction with an
12 intelligence or intelligence-related activity.

13 “(3) An intelligence agency may not transfer any de-
14 fense articles or defense services outside the agency in con-
15 junction with any intelligence or intelligence-related activity
16 for which funds were denied by the Congress.

17 “(c) As used in this section—

18 “(1) the term ‘intelligence agency’ means any
19 department, agency, or other entity of the United
20 States involved in intelligence or intelligence-related
21 activities;

22 “(2) the term ‘appropriate congressional commit-
23 tees’ means the intelligence committees and the Com-
24 mittee on Appropriations of each House;

1 “(3) the term ‘intelligence committees’ means the
2 Permanent Select Committee on Intelligence of the
3 House of Representatives and the Select Committee on
4 Intelligence of the Senate;

5 “(4) the term ‘specifically authorized by the Con-
6 gress’ means that—

7 “(A) the activity and the amount of funds
8 proposed to be used for that activity were identi-
9 fied in a formal budget request to the Congress,
10 but funds shall be deemed to be specifically au-
11 thorized for that activity only to the extent that
12 the Congress both authorized the funds to be ap-
13 propriated for that activity and appropriated the
14 funds for that activity; or

15 “(B) although the funds were not formally
16 requested, the Congress both specifically author-
17 ized the appropriation of the funds for the activity
18 and appropriated the funds for the activity;

19 “(5) the terms ‘defense articles’ and ‘defense serv-
20 ices’ mean the items on the United States Munitions
21 List pursuant to section 38 of the Arms Export Con-
22 trol Act (22 CFR part 121);

23 “(6) the term ‘transfer’ means—

24 “(A) in the case of defense articles, the
25 transfer of possession of those articles, and

1 “(B) in the case of defense services, the pro-
2 vision of those services; and

3 “(7) the term ‘value’ means—

4 “(A) in the case of defense articles, the
5 greater of—

6 “(i) the original acquisition cost to the
7 United States Government, plus the cost of
8 improvements or other modifications made by
9 or on behalf of the Government; or

10 “(ii) the replacement cost; and

11 “(B) in the case of defense services, the full
12 cost to the Government of providing the
13 services.”.

14 (b) The table of contents at the end of the first section of
15 such Act is amended by inserting the following after the item
16 relating to section 501:

 “Sec. 502. Notice to Congress of certain expenditures and certain transfers of
 defense articles.”.

17 **COUNTERINTELLIGENCE VULNERABILITY REPORT**

18 **SEC. 402. (a)** The Director of Central Intelligence shall
19 review and evaluate the vulnerability of confidential United
20 States Government activities abroad, and information con-
21 cerning such activities, to efforts by foreign powers to detect,
22 monitor or counter such activities, or to acquire such
23 information.

1 **(b) Within one hundred and twenty days after the date**
2 **of enactment of this Act, the Director of Central Intelligence**
3 **shall submit to the Permanent Select Committee on Intelli-**
4 **gence of the House of Representatives and the Select Com-**
5 **mittee on Intelligence of the Senate a comprehensive report**
6 **on the matters described in subsection (a), including plans for**
7 **improvements which are within his authority to effectuate,**
8 **and recommendations for improvements which are not within**
9 **his authority to effectuate.**

10 **(c) The report described in subsection (b) of this section**
11 **shall be exempt from any requirement for publication or dis-**
12 **closure.**

13 **TITLE V—GENERAL PROVISIONS**

14 **RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES**

15 **SEC. 501. The authorization of appropriations by this**
16 **Act shall not be deemed to constitute authority for the con-**
17 **duct of any intelligence activity which is not otherwise au-**
18 **thorized by the Constitution or laws of the United States.**

19 **INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW**

20 **SEC. 502. Appropriations authorized by this Act for**
21 **salary, pay, retirement, and other benefits for Federal em-**
22 **ployees may be increased by such additional or supplemental**
23 **amounts as may be necessary for increases in such benefits**
24 **authorized by law.**

1 LIMITATION ON BUDGET AUTHORITY

2 SEC. 503. Notwithstanding any other provision of this
3 Act, appropriations pursuant to authorizations in this Act for
4 any element of the United States Government for the con-
5 duct of intelligence and intelligence-related activities for
6 fiscal year 1986 may not be made in an amount that would
7 cause the total amount of budget authority for the depart-
8 ment or agency from which such element receives funds to
9 exceed—

10 (1) the total amount of budget authority author-
11 ized for such department or agency for fiscal year
12 1986; or

13 (2) if there is no Act authorizing appropriations
14 for such department or agency for fiscal year 1986, the
15 total amount appropriated for such department or
16 agency for fiscal year 1985.

Passed the House of Representatives July 18, 1985.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

Calendar No. 239

99TH CONGRESS
1ST SESSION
H. R. 2419

AN ACT

To authorize appropriations for fiscal year 1986 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.

JULY 22 (legislative day, JULY 16), 1985

Received: read twice and placed on the calendar

Page Denied

AMENDMENT TO H.R. 2419, AS REPORTED
OFFERED BY MR. HAMILTON OF INDIANA

Page 5, line 11, strike out "\$21,900,000" and insert in lieu thereof "\$21,000,000".

Page 6, line 19, strike out "1985" and insert in lieu thereof "1986".

Page 12, after line 15, add the following new section:

LIMITATION ON BUDGET AUTHORITY

Sec. 503. Notwithstanding any other provision of this Act, appropriations pursuant to authorizations in this Act for any element of the United States Government for the conduct of intelligence and intelligence-related activities for Fiscal Year 1986 may not be made in an amount that would cause the total amount of budget authority for the department or agency from which such element receives funds to exceed --

- (1) the total amount of budget authority authorized for such department or agency for Fiscal Year 1986; or
- (2) if there is no Act authorizing appropriations for such department or agency for Fiscal Year 1986, the total amount appropriated for such department or agency for Fiscal Year 1985.

H 5900

CONGRESSIONAL RECORD — HOUSE

July 18, 1985

ceutural requirements of the United States Nuclear Regulatory Commission.

I agree that the original referral was correct under the Rules of the House and that the Committee on Energy and Commerce could seek a sequential referral of the legislation. In order to permit early consideration of the bill by the Committee on Energy and Commerce, however, I have no objection to a joint referral of the measure at this time. My acquiescence is made in the interest of comity among the committees and with the express understanding that the referral in no way modifies the allocation of jurisdiction between the committees or the rules by which subsequent legislation will be referred on the same subject matter as H.R. 2743, or measures amending its text should H.R. 2743 become law.

Sincerely,

MORRIS K. UDALL,
Chairman.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1986

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 224

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 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, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the following amendments, which shall not be subject to amendment: (1) the amendments recommended by the Permanent Select Committee on Intelligence now printed in the bill, and said amendments shall be considered en bloc; and (2) the amendments printed in the Congressional Record of July 16, 1985, by, and if offered by, Representative Hamilton of Indiana, and said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole and said amendments shall be debatable for not to exceed twenty minutes, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1110

The SPEAKER. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 224 provides for the consideration of H.R. 2419, the Intelligence Authorization Act for fiscal year 1986. The resolution is a modified closed rule with 1 hour of general debate.

Section 402(a) of the Congressional Budget Act is waived against consideration of the bill. This section of the Budget Act prohibits consideration of authorizing legislation not reported by May 15 prior to the fiscal year to which it applies. This waiver is necessary because, as the result of a clerical error, the legislation contains an authorization for fiscal year 1985. Since the bill was not reported prior to May 15, 1984, it is in violation of section 402(a) of the Budget Act. However, since it is the intention of Chairman HAMILTON of the committee to offer an amendment that cures this Budget Act violation during the amendment process, this waiver of section 402(a) is purely a technical waiver.

The rule allows only the following amendments which are not amendable: The committee amendments printed in the bill, to be considered en bloc; and the amendments by Representative HAMILTON printed in the CONGRESSIONAL RECORD of July 16, 1985, to be considered en bloc and not subject to a division of the question in the House or in the Committee of the Whole. The Hamilton amendments are debatable for 20 minutes, equally divided and controlled by Mr. HAMILTON and a Member opposed to the amendments.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the rule recommended by the Rules Committee is somewhat unusual for an authorization bill. The Rules Committee has traditionally attempted to grant open rules to authorization bills so Members can offer amendments and express their views on the legislation. In this instance, the Rules Committee was faced with unanimous bipartisan testimony from members of the Intelligence Committee that a modified closed rule was necessary. First, the legislation is non-controversial. Second, the Intelligence Committee was advised by the leadership that a modified closed rule would lend itself to expeditious floor consideration of the legislation. Third, and most importantly, the unique relationship between the H.R. 2419, the Intelligence Authorization Act and H.R. 1872, The Department of Defense Authorization Act is such that the amendments to be offered by Mr. HAMILTON are necessary to reconcile the authorization levels contained in

the Intelligence bill, H.R. 2419, with the House-passed authorization levels contained in H.R. 1872.

For these reasons, the Rules Committee felt that a modified closed rule was appropriate for the consideration of H.R. 2419. The Rules Committee is not aware of any opposition to this proposed modified closed rule.

Mr. Speaker, H.R. 2419 authorizes appropriations for fiscal year 1986 for the intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Committee staff, and for the Central Intelligence Agency retirement and disability system. The legislation also amends certain administrative provisions relating to the Central Intelligence Agency and Intelligence Community Staff.

The legislation contains a provision that makes clear that the prohibition that applies to supporting Nicaraguan insurgents applies only to the provision of funds, goods, equipment, civilian or military supplies, or any other material, but does not prohibit the provision of intelligence information or advice to the Contras.

In addition, H.R. 2419 requires notification to the Intelligence and Appropriations Committees both for intelligence activities in excess of authorized amounts or transfers by an intelligence agency of military equipment or services worth more than \$1 million per item to a foreign government or group.

House Resolution 224 is, we believe, a fair rule that provides for the expeditious consideration of H.R. 2419 and I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

(Mr. TAYLOR asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, House Resolution 224 is a modified rule under which the House will consider legislation that authorizes appropriations for our Nation's foreign intelligence programs.

This rule represents the recommendation of the Committee on Rules as the best way for the House to deal with the issues contained in H.R. 2419, the Intelligence authorization bill for 1986, and the best way to facilitate House consideration of this important legislation in a timely manner.

Mr. Speaker, the rule limits the number of amendments to H.R. 2419, and this limitation is provided at the unanimous, bipartisan request of the members of the Permanent Select Committee on Intelligence.

Mr. Speaker, it was the feeling of the Committee on Rules that the request of the Permanent Select Committee on Intelligence for restrictions on amendments on H.R. 2419 ought to be allowed because of the time constraints we face in completing House action on the bill prior to completing action on the Defense authorization conference report.

July 18, 1985

CONGRESSIONAL RECORD — HOUSE

H 5901

The rule does contain a waiver of section 402(a) of the Budget Act, to permit consideration of the bill. Due to a clerical error, the bill was printed with a fiscal year 1985 authorization date for the Central Intelligence Agency retirement and disability fund. The Intelligence Committee intended for this authorization to be effective for fiscal year 1986 appropriations, and will offer an amendment to correct the authorization date.

In this situation, the Budget Act waiver is technical in nature and is provided in the rule in order to permit the committee to correct the printing mistake.

Mr. Speaker, the rule provides for 1 hour of general debate, and for 30 minutes of debate on the amendments specifically made in order.

The two amendments specified in the rule are not subject to further amendment. The first amendment will be the committee amendments, which are printed in the bill, and which will be considered en bloc. Under the rules of the House, debate on the committee amendments is limited to 10 minutes.

The second amendment made in order by the rule is one to be offered by the distinguished chairman of the Intelligence Committee, the gentleman from Indiana [Mr. HAMILTON]. The Hamilton amendments are printed in the CONGRESSIONAL RECORD of July 16, and will be debatable for 20 minutes. These amendments will also be considered en bloc, and will not be subject to division in the House or in committee.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, H.R. 2419 provides authorization for our national foreign intelligence programs and tactical intelligence programs of the Department of Defense. The programs and dollar amounts of the authorizations are described in a classified annex to the committee report, which is available to all Members.

About 98 percent of the funds authorized in H.R. 2419 are contained in the Defense authorization bill, H.R. 1872, which passed the House on June 27. The conference committee on that bill expects to finish its work this week, and this rule is designed to accommodate the Permanent Select Committee on Intelligence prior to final action on the conference report.

Mr. Speaker, the committee amendments made in order by this rule narrow the focus of our current legal prohibition on assistance to the democratic resistance forces in Nicaragua.

The committee amendment continues the prohibition on expenditure of funds for materiel assistance to the Nicaraguan democratic resistance, including arms, ammunition, or other equipment or material. The committee amendment does allow U.S. intelligence agencies to share intelligence information or advice, and is, therefore, generally consistent with the action this House took on June 12 as part of

H.R. 2577, the supplemental appropriations bill.

Mr. Speaker, there was no opposition to the procedure outlined in this rule during our hearing in the Committee on Rules. The members of the Permanent Select Committee on Intelligence were unanimous in their request for this type of rule.

In the interest of timely action by the House, I urge support for this rule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP], the ranking minority member of the Intelligence Committee.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of House Resolution 224.

This rule was requested by the committee and supported by both the majority and the minority, and I urge its adoption.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time on this side either, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 224 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2419.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Ms. KAPTUR in the chair.

The Clerk read the title of the bill.

□ 1120

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 2419, the Intelligence Authorization Act for Fiscal Year 1986.

As Members know well, this bill—like its predecessors—offers little in-

formation to the reader. The figures and all the details of its recommendations for the intelligence budget are to be found in the classified schedule of authorizations and the classified annex which accompanies the committee's report. Those materials are available today, as they have been since June 3, in the offices of the Intelligence Committee and I urge Members who have not done so to take the time to read them.

These documents support something we all know—that intelligence is as essential a government function as any in the United States. A great power like the United States cannot survive without good intelligence. Intelligence is receiving, and should receive, increasing priority for a whole range of tasks and targets, among which—to name only a few—are: the threat of terrorism; the counterintelligence response to hostile intelligence services acting in this country and abroad against American interests; the security of our embassies and other facilities overseas, both physical and electronic; and such traditional intelligence concerns as support to arms control negotiations. The committee members believe that U.S. intelligence agencies perform a vital service for the national security.

Members of the Intelligence Committee also believe that even intelligence, as important as it is, must be subjected to the same rigorous budget scrutiny applied to other elements of Government.

Acting in the present austere budget climate, your committee has recommended a percentage cut in the intelligence budget comparable to that recommended by the Committee on Armed Services. This is the largest cut the Intelligence Committee has ever made in the budget. It was taken with appropriate concern for the national security of the United States and with clear appreciation that cuts were necessary.

Since the committee reported out H.R. 2419. The House has passed the Defense authorization bill as amended by the Aspin amendment. The Aspin amendment freezes Defense expenditures at the fiscal year 1985 appropriation level. The Intelligence Committee recognizes that this sets a strong precedent for the intelligence budget and, accordingly, at the direction of the committee, I will offer an amendment today to limit the intelligence authorization bill to a level consistent with those Defense levels set by the Aspin amendment.

Ninety-eight percent of the intelligence programs in this bill are contained in the Defense budget. Authorization levels for most intelligence programs are contained within the various appropriation category totals in the Defense authorization bill. Adjustments which we have made to intelligence programs have been coordinated with the Armed Services Committee

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and are accurately reflected in the totals contained by the Defense bill.

The amendment that I will offer at the direction of the committee recognizes that the intelligence budget is essentially a subset of the Defense budget. Moreover, it recognizes that it is the total Defense budget that we want to freeze, not its individual components. My amendment limits intelligence authorizations so that they cannot cause the Defense freeze to be breached. This is not to say that no intelligence programs have increased. They have, even after our substantial cuts. We all recognize that many components of the Defense budget have increased despite the freeze. Some components increase, some decrease. The essential feature of an overall freeze is that the total amounts not be exceeded. Consider SDI, for example. Despite cuts to the program by both House and Senate, the programs will have at least \$2.5 billion in funding next year, an increase of almost 80 percent over last year. Nevertheless, the Defense freeze is not breached. The same is true for intelligence programs.

What does this amendment do? First, it states legislatively the principle that we can't do anything in this bill to breach the Defense freeze. This could have a significant practical effect if the correspondence between the Defense and intelligence bills is lost as the legislative process continues. The amendment prevents any excess of authorization for intelligence. Second, some reductions in the Defense bill are unallocated. Some of these reductions will ultimately be allocated to intelligence programs. The amendment causes the relevant accounts in this bill to be reduced accordingly.

These are the committee's objectives and we believe they are consistent with the will of the House.

Madam Chairman, there are other important features of the bill worth mentioning. With respect to Nicaragua, the committee has amended the familiar Boland amendment language to permit the provision of CIA intelligence and advice to the Contras. It continues the prohibition on other intelligence agency support to the Contras but is consistent with the Michel amendment to the supplemental appropriations bill adopted by the House.

In another provision, the committee has made permanent a requirement that has long appeared in intelligence authorization bills. This provision requires the Intelligence and Appropriations Committees be told of the intent to exceed the authorized amount for any intelligence or intelligence-related program.

Another provision requires that the intelligence committees receive prior notice of clandestine transfer of an item of military equipment or services where the item or service equals or exceeds \$1 million in value. This is an

area of high congressional interest and sensitivity for U.S. foreign policy. Such transfers deserve to be subject to the special notice requirements that apply to other significant anticipated intelligence activities.

Finally, Madam Chairman, the bill contains a provision which requires a report from the Director of Central Intelligence on the security of U.S. installations overseas in the face of efforts by foreign governments, electronic or otherwise, to exploit U.S. confidential communications or other activities. This is a high priority of the committee and one that I believe is shared by the intelligence community.

In closing, I pay tribute to LOU STOKES and BOB STUMP and the other members of the committee for their work and devotion to the review of the intelligence budget. They, and the excellent staff of the subcommittee, have worked hard. They have produced a result which meets the committee's tradition of full bipartisan support and they have done so in the difficult circumstances of budget austerity and increasing intelligence priorities. I believe they deserve the thanks of the House for a job very well done.

Madam Chairman, at this point, I yield to the gentleman from Ohio, the distinguished chairman of the Subcommittee on Program and Budget Authorization, Mr. STOKES.

Mr. STOKES. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I want to take a moment to express my appreciation to all of the members of my subcommittee for their tireless and conscientious committee work in producing this bill. In particular I want to commend the gentleman from Indiana [Mr. HAMILTON], the chairman of the full committee for his hard work both as full committee chairman and as a member of this subcommittee.

I also want to express my appreciation to the gentleman from Arizona [Mr. STUMP], the ranking minority member. I appreciate his cooperation and I have enjoyed working with him. I also appreciate and want to make special mention of the other subcommittee members who never missed a meeting in over 50 hours of hearings on this bill; Mr. KASTENMEIER, Mr. DANIEL, Mr. ROE, Mr. CHENEY, and Mr. LIVINGSTON.

Other members of the full intelligence committee who were not members of our subcommittee but who often attended our meetings and made a contribution were Mr. BEILENSON, Mr. BROWN, Mr. MCEWEN, Mr. MCHUGH, and Mr. DWYER.

I also want to thank our committee staff; Marty Faga, Duane Andrews, Bob Fitch, Bob Surret, and Carol Thompson for their highly professional work.

Madam Chairman, H.R. 2419, the Intelligence Authorization Act for fiscal year 1986, is the eighth such bill in as many years reported out by the Per-

manent Select Committee on Intelligence. I am proud to say, like its predecessors, it's budget provisions were approved unanimously in committee, and was supported by the Committee on Armed Services.

This bill authorizes all the funds for the next fiscal year for the intelligence and intelligence-related activities of the U.S. Government.

The category of "intelligence activities" includes all the activities of the Central Intelligence Agency; the Defense Intelligence Agency; the National Security Agency; other intelligence components of the Department of Defense, and the Departments of the Army, Navy, and Air Force; the Bureau of Intelligence and Research of the Department of State; the intelligence divisions of the Federal Bureau of Investigation, intelligence elements of the Departments of Treasury and Energy, and the Drug Enforcement Administration; and the intelligence community staff of the Director of Central Intelligence. These activities provide intelligence for the use of the President, the Cabinet, the National Security Council and the Joint Chiefs of Staff.

Further, this bill authorizes intelligence-related activities of the Department of Defense, which are programs that are integral to the defense force structure, but which are similar to national intelligence programs and are often tasked for national intelligence purposes, particularly in peacetime.

The similarity of programs and functions between the national intelligence programs and the intelligence-related activities of the Defense Department is the reason that both are considered by the Permanent Select Committee on Intelligence and authorized in this bill. We have worked to insure that the program areas are complementary and mutually supportive but not duplicative. The referral of this bill to the Committee on Armed Services has assured that the judgments we have made from an intelligence viewpoint are equally sound from a military perspective. We have worked closely with that committee on a continuous basis and achieved a position agreeable to both committees.

Madam Chairman, most intelligence activities are classified and necessarily so. In some cases, even the very existence of the program or activity is held secret. This sensitivity limits the description we can offer here on the floor. The schedule of authorizations to accompany the bill and the classified annex to the report have been available to Members since June 3. The subject material is complex, but we have worked to make these classified reports as readable as possible.

The committee continues to recommend that the budget for intelligence not be disclosed. The disclosure of a single budget number might not itself be harmful, but some explanation of the content and meaning of the

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number would be essential. But such an explanation would be excessively revealing. Moreover, the committee recognizes that intelligence is inherently secret, and any disclosure is the beginning of an erosive process. In some cases, the mere awareness of an intelligence activity can easily reduce or eliminate its effectiveness, may endanger lives, and may lead to the collection of false information contrived by our adversaries to confuse or mislead us.

Madam Chairman, I would like to summarize briefly the organization of this bill.

Title I provides for the bulk of our intelligence and intelligence-related activities. As I said earlier, funds and program details are in the classified schedule of authorizations and the annex to the report. One exception is the authorization for the Domestic Counterterrorism Program of the FBI, which is unclassified. The bill provides \$15.2 million for this function.

Title II provides necessary authorities for the intelligence community staff, whose function is to assist the Director of Central Intelligence with his responsibilities for overall coordination of intelligence and preparation of the budget. The staff is made up of representatives of all elements of the intelligence community. Administratively, it is treated as though it were part of the CIA. The bill provides \$21.9 million for this purpose. An amendment will be offered reducing this amount to \$21 million.

Title III provides authorization of \$101.4 million for the Central Intelligence Agency Retirement and Disability System. This is a program established by Congress in 1964 to provide for those CIA personnel who perform hazardous duties or are in special situations, usually abroad, which may limit the length of their careers. The bill incorrectly states that the amount authorized is for fiscal year 1985. A technical amendment will correct this to read fiscal year 1986.

As Chairman HAMILTON has stated, title IV provides in section 401 that the Congress must be notified before intelligence funds are obligated or expended for a purpose other than that originally authorized. Section 401 also requires notification if defense activities or services exceeding \$1 million in value are to be transferred in conjunction with an intelligence activity. Section 402 requires a report from the Director of Central Intelligence of the vulnerability of our confidential activities abroad.

Title V provides that this bill does not authorize intelligence activities not otherwise authorized by the laws and Constitution of the United States. It also provides authorization for appropriations to pay for increased pay or benefits to Federal employees if they are enacted in other legislation.

Madam Chairman, as in the last fiscal year, this bill authorizes less than the administration requested.

Some specific proposals have been recommended for deferral, others for termination, while a few have been increased. I believe that the authorization provided is adequate to meet the country's needs.

Madam Chairman let me close by stating that, as in year's past, the committee has made, and continues to make, the classified annex to its report available to all Members of the House during business hours in the committee's rooms. I would invite Members who have not yet had an opportunity to do so to read this annex.

□ 1130

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Madam Chairman, I rise in support of H.R. 2419, the Intelligence Authorization Act, with the committee amendments printed in the bill and the committee freeze-type amendment printed in the CONGRESSIONAL RECORD of Tuesday, July 16.

The funding authorizations contained in this bill for intelligence and intelligence-related activities ensure that U.S. policymakers will continue to have the capability to collect needed intelligence on foreign powers, to detect and counter hostile activities by foreign powers, and to influence world events.

Because the effectiveness of intelligence programs depends in part upon their secrecy, the details of intelligence programs and the associated funding levels must remain concealed.

Consequently, I will not discuss the details of the committee's recommendations. Those details are in the classified schedule of authorizations and classified annex to the committee's report, which have been available for review by all Members of the House since June 3, 1985.

I believe that H.R. 2419 represents a balanced and effective allocation of scarce resources to U.S. intelligence programs.

The authorization levels for intelligence activities established by this bill generally represent bipartisan agreement on programs and budgets for intelligence matters of critical importance to national security.

Section 105 of this bill, relating to aid to the Nicaraguan Democratic Resistance, is not exactly what I would have preferred.

As the minority views in the Intelligence Committee report on the bill state, the minority believes that the Congress should support military aid to the resistance.

A majority of the committee did not agree with that position, but it did agree that the U.S. Government should be able to exchange intelligence and advice with the resistance.

Thus, section 105 of the bill with the committee amendments only prohibits

intelligence agencies from providing material assistance to the resistance.

The committee position on section 105 is generally consistent with the will of the House expressed in the adoption of the Michel-McDade-McCurdy language on the supplemental appropriations bill, which provides for humanitarian aid to the resistance administered by an agency other than CIA or DOD, and allows the exchange of information with the resistance.

I urge the House to support the committee's authorization decisions by approving H.R. 2419.

Madam Chairman, I yield 3 minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. I thank the gentleman for yielding.

Madam Chairman, I rise in support of H.R. 2419. This has been my 1st year to serve on the Intelligence Committee, and I must say I found it a fascinating experience in part because of the spirit of bipartisanship that was mentioned previously by the chairman.

It has been a privilege to serve with the gentleman from Arizona (Mr. STUMP), the ranking Republican, and the gentleman from Indiana (Mr. HAMILTON), the chairman of the full committee, and the gentleman from Ohio (Mr. STOKES), who chaired the Budget Subcommittee.

I think it is extremely important for the House and for the committee to seek bipartisan efforts and conclusions with respect to the intelligence program and I was indeed pleased that we were able to achieve that this year.

As the gentleman from Arizona (Mr. STUMP) mentioned, many of us believe that the provisions with respect to Nicaragua are inadequate; we would have preferred to support military assistance to the Democratic resistance in Nicaragua; but we did in fact reach a compromise; we did agree to modify section 105 of the bill so that it does continue the prohibition of the Boland amendment against military assistance, but it does in fact make it clear that the prohibition does not prevent information sharing or advice with the Nicaraguan Democratic Resistance.

Section 105 is intended to bar the Central Intelligence Agency, the Department of Defense or any other U.S. Government agency or entity involved in intelligence activities from providing directly or indirectly arms, ammunition, or other equipment or material to support the military or paramilitary activities of the Nicaraguan insurgent forces.

It is not intended to prohibit the provision of intelligence information and advice to these groups, nor does it preclude the United States from furnishing political, administrative, or other forms of nonmilitary support for activities of the Nicaraguan Democratic Resistance.

In other words, it is consistent with the provision of humanitarian assist-

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ance to the armed Nicaraguan Democratic Resistance, as previously approved by the House this year on the supplemental appropriations bill.

Madam Chairman, this is a good piece of legislation. I am pleased to have served on the committee that produced it, and I would urge my colleagues to approve it.

□ 1140

Mr. STUMP. Madam Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. I wonder if I might ask the chairman, the gentleman from Indiana [Mr. HAMILTON], one question. First of all, I want to identify with everything that the gentleman from Arizona [Mr. STUMP] has said and what the gentleman from Wyoming [Mr. CANNON] has said, complimenting the committee on its excellent leadership and the effort to attain bipartisan consensus, which most often we do.

With reference to section 105, is it the gentleman's understanding that that section does not conflict in any way with the McCurdy-Michel-McDade amendment which we adopted in this Chamber on previous legislation?

Mr. HAMILTON. Yes, basically that is my understanding, that there is no conflict.

But let me respond in more detail. The Michel amendment appropriates \$27 million in 2 fiscal years to be distributed by an agency of Government other than the Central Intelligence Agency or the Department of Defense for humanitarian aid to the Contras. Section 105 of this bill prohibits any intelligence agency from providing assistance to the Contras, material assistance to the Contras. It does not prohibit, as the gentleman from Wyoming said, the provision of intelligence or advice to the Contras.

Now, the Michel amendment would not have restricted or does not restrict the use of the State Department in distributing aid to the Contras. Section 105 does prohibit the State Department from being the agency for that purpose.

Other than that, there is no conflict or difference between the two provisions, and I think that difference is a minor one.

Mr. HYDE. I thank the chairman very much for that explanation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. I thank the gentleman for yielding.

Madam Chairman, I rise in support of H.R. 2419, the Intelligence Authorization Act for Fiscal Year 1986. This bill provides classified authorizations

of appropriations for intelligence and intelligence-related programs which are essential to the security interests of the United States.

I note, however, that one section of the bill, section 105 relating to Nicaragua, in my view does not fully satisfy the security interests of the United States. As the minority views contained in the Intelligence Committee's report make clear, the committee-recommended version of section 105 is only tolerable in comparison to the alternative it replaced—the full Boland prohibition, which the House recently rejected in considering the supplemental appropriations bill.

Section 105 of H.R. 2419 as introduced would have carried forward to fiscal year 1986 the Boland prohibition on support for military or paramilitary operations in Nicaragua contained in section 8066(a) of the DOD Appropriations Act, 1985 and section 801 of the Intelligence Authorization Act for Fiscal Year 1985. The committee amendment to section 105, which is printed in the bill, more narrowly tailors the prohibition to the concerns some in the Congress have expressed in the past about U.S. policy toward Nicaragua and the armed democratic resistance in that country. Also, the committee amendment to section 105 was crafted so that it does not interfere with use of the U.S. Armed Forces consistent with the War Powers Resolution to protect U.S. citizens, or U.S. efforts to fulfill collective security treaty obligations.

Instead of the Boland prohibition, section 105 as recommended by the committee establishes two narrower prohibitions on the use of funds during fiscal year 1986 by the CIA, DOD, and other U.S. intelligence entities. First, the amendment prohibits use of funds by intelligence agencies for material assistance to the armed democratic opposition, referred to as the Nicaraguan Democratic Resistance. Second, the amendment prohibits use of funds by intelligence agencies which would have the effect of providing arms, ammunition or other weapons of war for military or paramilitary operations in Nicaragua by any group, organization, movement or individual.

Although this revised section 105 does not fully meet the need to support the resistance in the fight for freedom in Nicaragua, it is better than the Boland amendment it replaced and is generally consistent with the Michel-McDade-McCurdy language the House adopted on the supplemental appropriation bill. Aside from the failure of revised section 105 to go far enough in renewing support for the Nicaraguan resistance, I believe the rest of the bill provides the support needed for the Nation's vital intelligence activities. I urge my colleagues to support the bill for that reason.

I emphasize again that the two narrow prohibitions contained in revised section 105 were carefully craft-

ed to meet both congressional concerns and the needs of U.S. foreign policy. In revised section 105, the term "material assistance" refers to any corporeal items. Thus, no goods of any type may be furnished by intelligence agencies to the resistance in Nicaragua. In contrast, the amendment does not prohibit nonmaterial, that is, noncorporeal, assistance, such as advice or intelligence information. Lest there be any confusion about it, such intelligence information or advice does not become material assistance merely because it may be physically embodied in pieces of paper.

As I interest it, amended section 105 is not intended to prohibit the sharing of intelligence and conduct of normal liaison contact, or to encumber the political, administrative or other support for nonparamilitary activities. Thus, any authority for material assistance of a political or administrative nature, such as typewriters or photocopiers, to democratic opposition elements who are not engaged in armed resistance, would not be affected.

The other prohibition contained in amended section 105 precludes use of funds by intelligence agencies which have the effect of providing arms, ammunition, or other weapons of war for military, or paramilitary operations in Nicaragua. Unlike the first prohibition, which applies only with respect to the Nicaraguan Democratic Resistance, the second prohibition applies with respect to military operations by any "group, organization, movement or individual." The deletion of the word "nation"—which appeared in the rejected Boland prohibition—from the list of actors to whom the United States may not give aid for operations in Nicaragua, makes clear that section 105 does not prevent use of U.S. intelligence funds to support U.S. military operations in Nicaragua consistent with the War Powers Resolution, should such operations become necessary, for example in rescuing U.S. Embassy personnel in an emergency. The deletion of "nation" also makes clear that, in the event of a Nicaraguan attack on any of our allies in the region, intelligence funds could be used in support of collective self-defense operations under the Rio Treaty.

Madam Chairman, I say again to my colleagues that amended section 105 is not perfect. I believe, as do many other Members of the House, that the United States should provide material aid—and every other kind of aid—to the Nicaraguan Democratic Resistance to continue the fight against Sandinista Communist tyranny in Nicaragua.

Notwithstanding the shortcomings of section 105, however, the remainder of the bill is fully satisfactory in meeting the intelligence needs of the United States, and I would urge my colleagues to support it on that basis.

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Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to take this opportunity to commend the gentleman from Indiana, the chairman of the committee, the gentleman from Ohio (Mr. Stokes), the chairman of the Budget Subcommittee for their leadership and fairness in developing this bill. I would especially like to commend the new Members on both sides of the aisle for demonstrating their willingness to spend many hours behind closed doors to bring about this bill. And lastly, but not least, the staff, who, as usual, has done a tremendous job, and I commend them for that.

Mr. HAMILTON. Madam Chairman, I concur in all of the statements the gentleman has made, and I thank him for his expression of appreciation.

● Mr. PRICE. Madam Chairman, this is the 7th year that the Permanent Select Committee on Intelligence and the Armed Services Committee worked together to report the authorization bill for intelligence and intelligence-related activities of the intelligence community.

As the Members will recall, the Armed Services Committee shares responsibility for authorizing certain elements in the intelligence authorization bill with regard principally to intelligence-related activities for the Department of Defense, and I am most pleased to report on the continued excellent working relationship with, and cooperation of, the select committee members and staff in arriving at complete agreement on all items of joint responsibility.

As part 2 of the report states, the results of our recommendations are classified and are included in the classified annex to the report H.R. 2419 prepared by the select committee.

I urge the Members to support the intelligence related activity authorizations reported in this bill. ●

Mr. HAMILTON. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except the following amendments, which are not subject to amendment:

(1) The amendments recommended by the Permanent Select Committee on Intelligence now printed in the bill, which shall be considered en bloc; and (2) the amendments printed in the Congressional Record of July 16, 1985, by, and if offered by, Representative Hamilton, which shall be considered en bloc and shall be debatable for not to exceed twenty minutes, to be equally divided and controlled by Representative Hamilton and a Member opposed thereto.

The text of H.R. 2419 is as follows:

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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 1986".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1986 for the conduct of the intelligence and intelligence-related activities of the following elements (or offices, agencies or subelements thereof) 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.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1986, for the conduct of the intelligence and intelligence-related activities of the elements (or offices, agencies or subelements thereof) listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 2419 of the Ninety-ninth Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

Sec. 103. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1986 the sum of \$15,200,000 for the conduct to the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

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 1986 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 (or offices, agencies or subelements thereof) 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.

PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

Sec. 105. During fiscal year 1986, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or

which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1986 the sum of \$21,900,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

Sec. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-three full-time personnel as of September 30, 1986. 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 1986, 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 1986, 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 1986, 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

AUTHORIZATION OF APPROPRIATIONS

Sec. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1985 then sum of \$101,400,000.

TITLE IV—PROVISIONS RELATING TO INTELLIGENCE AGENCIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 401. (a) Title V of the National Security Act of 1947 (50 U.S.C. 413), relating to accountability for intelligence activities, is amended by adding at the end thereof the following:

"NOTICE TO CONGRESS OF CERTAIN EXPENDITURES AND CERTAIN TRANSFERS OF DEFENSE ARTICLES

"Sec. 502. (a)(1) Funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

"(A) those funds were specifically authorized by the Congress for use for such activity; or

"(B) in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 501 of this Act concerning any significant anticipated intelligence activity, the Director of Central Intelligence has, subject to the provisions of section 501, notified the appropriate congressional com-

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milieu of the intent to make such funds available for such activity; or

(1) in the case of funds specifically authorized by the Congress for a different activity—

(i) the activity to be funded is a higher priority intelligence or intelligence-related activity;

(ii) the need for funds for such activity is based on unforeseen requirements; and

(iii) the Director of Central Intelligence or the Secretary of Defense has notified the appropriate congressional committees of the intent to make such funds available for such activity.

(2) Funds available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

(b)(1) The transfer of a defense article or defense service exceeding \$1,000,000 in value by an intelligence agency to a recipient outside that agency shall be considered a significant anticipated intelligence activity for the purpose of section 501 of this Act.

(2) Paragraph (1) does not apply if—

(A) the transfer is being made to a department, agency, or other entity of the United States (so long as there will not be a subsequent retransfer of the defense articles or defense services outside the United States Government in conjunction with an intelligence or intelligence-related activity); or

(B) the transfer—

(i) is being made pursuant to authorities contained in part II of the Foreign Assistance Act of 1961, the Arms Export Control Act, Title 19 of the United States Code (including a law enacted pursuant to section 7307(b)(1) of that title), or the Federal Property and Administrative Services Act of 1949; and

(ii) is not being made in conjunction with an intelligence or intelligence-related activity.

(3) An intelligence agency may not transfer any defense articles or defense services outside the agency in conjunction with any intelligence or intelligence-related activity for which funds were denied by the Congress.

(c) As used in this section—

(1) the term "intelligence agency" means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

(2) the term "appropriate congressional committees" means the intelligence committees and the Committee on Appropriations of each House;

(3) 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;

(4) the term "specifically authorized by the Congress" means that—

(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

(B) although the funds were not formally requested, the Congress both specifically authorized the appropriation of the funds for the activity and appropriated the funds for the activity;

(5) the terms "defense articles" and "defense services" mean the items on the United States Munitions List pursuant to section 28 of the Arms Export Control Act (22 CFR part 121);

"(6) the term "transfer" means—

(A) in the case of defense articles, the transfer of possession of those articles, and

(B) in the case of defense services, the provision of those services; and

(7) the term "value" means—

(A) in the case of defense articles, the greater of—

(i) the original acquisition cost to the United States Government, plus the cost of improvements or other modifications made by or on behalf of the Government; or

(ii) the replacement cost; and

(B) in the case of defense services, the full cost to the Government of providing the services."

(b) The table of contents at the end of the first section of such Act is amended by inserting the following after the items relating to section 501:

"Sec. 502. Notice to Congress of certain expenditures and certain transfers of defense articles."

COUNTERINTELLIGENCE VULNERABILITY REPORT

Sec. 402. (a) The Director of Central Intelligence shall review and evaluate the vulnerability of confidential United States Government activities abroad, and information concerning such activities, to efforts by foreign powers to detect, monitor or counter such activities, or to acquire such information.

(b) Within one hundred and twenty days after the date of enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a comprehensive report on the matters described in subsection (a), including plans for improvements which are within his authority to effectuate, and recommendations for improvements which are not within his authority to effectuate.

(c) The report described in subsection (b) of this section shall be exempt from any requirement for publication or disclosure.

TITLE V—GENERAL PROVISIONS

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 501. 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. 502. 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.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 4, strike out line 14 through line 21 and insert the following:

"Sec. 105. During fiscal year 1986, no funds available to the Central Intelligence Agency, Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended, directly or indirectly, for material assistance to the Nicaraguan democratic resistance including arms, ammunition, or other equipment or material which could be used to inflict serious bodily harm or death, or which would have the effect of providing arms, ammunition or other weapons of war for military or paramilitary operations in Nicaragua by any

group, organization, movement or individual."

Page 7, line 12, strike out", subject to the provisions of section 501."

Page 8, line 1, strike out "Fund" and insert "Funds".

Mr. HAMILTON. Madam Chairman, I urge support for the committee amendments.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Madam Chairman, pursuant to the rule, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMILTON: Page 5, line 11, strike out "\$21,900,000" and insert in lieu thereof "\$21,000,000".

Page 6, line 12, strike out "1985" and insert in lieu thereof "1986".

Page 12, after line 15, add the following new section:

LIMITATION ON BUDGET AUTHORITY

Sec. 503. Notwithstanding any other provision of this Act, appropriations pursuant to authorizations in this Act for any element of the United States Government for the conduct of intelligence and intelligence-related activities for fiscal year 1986 may not be made in an amount that would exceed the total amount of budget authority for the department or agency from which such element receives funds to exceed—

(1) the total amount of budget authority authorized for such department or agency for fiscal year 1985; or

(2) if there is no Act authorizing appropriations for such department or agency for fiscal year 1985, the total amount appropriated for such department or agency for fiscal year 1984.

Mr. HAMILTON (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 224, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Madam Chairman, I offer this amendment at the direction of the Permanent Select Committee on Intelligence. It is a freeze-type of amendment. It is offered because the committee is aware that this House has imposed spending restraints on all spending bills to date. The committee believes that intelligence should not be immune from a fair share reduction.

The committee has made significant cuts in the fiscal year 1986 budget request of the administration. These cuts were the largest ever made by the committee. They were made in view of the fiscal restraints imposed by the deficits. We believe that all our alloca-

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were fair and have not done serious harm to any important intelligence programs, or to the national security interests of the United States.

The committee's recommendations for these are fully explained in the classified annex to the committee's report. That classified annex is available in the office of the committee for review by any Member of the House.

In structuring the amendment before us, the committee wished to establish the principle that spending for intelligence programs should be frozen at the fiscal year 1985 appropriation level, or the authorization level for fiscal year 1984 for the departments or agencies within whose budgets intelligence funds are located.

Ninety-eight percent of the moneys authorized by this intelligence bill are contained within the Department of Defense authorization. Nearly all of these are hidden in various authorization categories for security purposes. They are, in effect, subelements of the Defense budget, even though they are separately authorized by the intelligence bill and reviewed by the Intelligence Committee.

Therefore, these intelligence programs were among those which were affected by the Aspin freeze amendment adopted by the House to the Defense authorization bill. Now, some intelligence programs—like some Defense programs within those large authorization categories—will experience real growth in fiscal year 1984. An example would be the strategic defense initiative which, despite significant cuts by both House and Senate, still exceeds the fiscal year 1985 appropriation level by 80 percent.

First, this amendment says that no intelligence program may exceed a level which would have the effect of making the combination of intelligence and nonintelligence programs exceed the level set by the Aspin amendment. This approach is the essence, I believe, of the Aspin amendment, which was to limit the total amount of Defense expenditures in fiscal year 1985. My amendment will ensure the intelligence authorization figure will not result in exceeding that fiscal year 1985 spending cap.

Second, this amendment provides that in the case of cuts to the Defense budget that are, in effect, unallocated, such as those affecting operations and maintenance, whatever allocable share is essentially determined to apply to intelligence programs will be automatically taken from those programs. The amendment ensures, in effect, an automatic adjustment of the relevant spending accounts to take account for these across-the-board unallocated cuts that were made to the Defense bill.

This amendment will not require reductions in all intelligence programs. It will only require reductions where without them, defense categories would exceed the Aspin freeze levels

or where the intelligence budget's share of defense cuts can be allocated. There will be some real growth in many intelligence programs. That, however, is a function of both the committee's and the administration's belief that these subelements of the Defense budget are important and deserve priority. The committee has not given the administration all that it sought.

As I indicated earlier, we have made some significant cuts in many intelligence programs, but we believe that the total package of intelligence recommendations, combined with the effect of this amendment, results in an intelligence budget that supports essential intelligence functions at defensible spending levels. I urge the adoption of the amendment.

Madam Chairman, I yield to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank the gentleman for yielding.

Madam Chairman, I rise in support of the committee amendment offered by the gentleman from Indiana.

The amendment will make absolutely clear on the face of the bill that the bill will not break any overall budget ceilings which may be established by the DOD Authorization Act, in which 98 percent of intelligence funds are contained.

I emphasize to my colleagues on both sides of the aisle that this amendment does not preempt or override any authorization decisions which have been—or will be—made on other authorization bills.

The amendment simply ensures that authorization decisions made in this bill for intelligence programs of the various Government department and agencies will be fully consistent with decisions on the overall budget of those departments and agencies made in other authorization bills, such as the DOD Authorization Act.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Ms. KAPTUR, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 2419) to authorize appropriations for fiscal year 1986 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, pursuant to House Resolution 224, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1456

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

EXTENDING AUTHORITY TO ESTABLISH AND ADMINISTER FLEXIBLE AND COMPRESSED WORK SCHEDULES FOR FEDERAL GOVERNMENT EMPLOYEES.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1455) to extend the authority to establish and administer flexible and compressed work schedules for Federal Government employees, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6104 note) is amended by striking out "three years after the date of the enactment of this Act" and inserting in lieu thereof "September 30, 1985".

The SPEAKER pro tempore. The gentleman from New York [Mr. ACKERMAN] is recognized for 1 hour.

Mr. ACKERMAN. Mr. Speaker, S. 1455 is a noncontroversial measure, and it has been cleared with the majority. It is an emergency measure to continue alternative work schedules for Federal employees. The present authority is scheduled to expire on July 23, next Tuesday. This measure is the only way to avoid the unnecessary and costly disruption which would occur in Federal agencies if the program were to lapse.

S. 1455 is similar to a bill, H.R. 1534, which the House of Representatives



8 October 1985

NOTE FOR: D/ICS

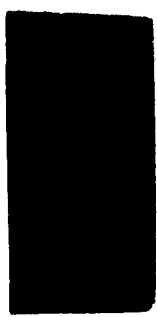
FROM:



Chief, Legislative Liaison

SUBJECT: Senate Passage of FY 1986
Authorization Act for the NFIP

As reported previously, the SSCI passed its version of the FY 1986 Intelligence Authorization Act, and the attached excerpt from the Congressional Record contains the comments made on the Senate floor during consideration of that legislation. You might note the comments made by Chairman Durenberger on the Committee's efforts in the area of an "Intelligence Strategy" (S12254 & S12255). Also note that the Senate passed the Bentsen Amendment to provide additional resources for the FBI counter-terrorism effort (discussion on page S12257).



cc: DD/ICS
EXO/ICS
D/PBS
C/CCIS



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document specified in section I of this resolution for the use of the Committee on Rules and Administration.

Mr. DOLE. I move to reconsider the vote by which the measure was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PURCHASE OF CALENDARS

The resolution (S. Res. 232) relating to the purchase of calendars, was considered, and agreed to, as follows:

S. Res. 232

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed \$67,980 for the purchase of one hundred and three thousand calendars. The calendars shall be distributed as prescribed by the committee.

Mr. DOLE. I move to reconsider the vote by which the measure was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE PRINTING OF A REPORT

The resolution (S. Res. 181) authorizing the printing of the report entitled "Highway Bridge Replacement and Rehabilitation Program, Sixth Annual Report to Congress," as a Senate document, was considered, and agreed to, as follows:

S. Res. 181

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States in compliance with section 144(i) of title 23, United States Code entitled, "Highway Bridge Replacement and Rehabilitation Program, Sixth Annual Report to Congress" be printed as a Senate document.

Sec. 2. There shall be printed three hundred additional copies for the use of the Committee on Environment and Public Works.

Mr. DOLE. I move to reconsider the vote by which the measure was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF CERTAIN AUTHORITY TO THE STATES OF MAINE AND NEW HAMPSHIRE

The bill (S. 1701) to authorize a partial transfer of the authority of the Maine-New Hampshire Interstate Bridge Authority to the States of Maine and New Hampshire, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1701

Be it enacted by the Senate and House of Representatives of the United States of Amer-

ica in Congress assembled. That the Act approved July 28, 1937 (50 Stat. 535), is amended by striking out in the first paragraph thereof, "and approaches thereto" and by inserting at the end thereof "The States of Maine and New Hampshire are authorized to assume all construction, maintenance, and operational authority over the approach roads and grade separation structures in their respective areas. As provided in Maine Private and Special Law, Chapter 38, 1985, and New Hampshire Statutes, Chapter 415, 1985, the respective States shall require the Authority to provide Authority funds for capital improvements."

Mr. DOLE. I move to reconsider the vote by which the measure was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STAR PRINT OF REPORT NO.

99-105

Mr. DOLE. Mr. President, I ask unanimous consent that Senate Report No. 99-105 be star printed to reflect the following changes which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT OF REPORT NO.

99-135

Mr. DOLE. Mr. President, I ask unanimous consent that Senate Report No. 99-135 be star printed to reflect the following changes which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

TITLE AMENDMENT TO H.R. 2005

Mr. DOLE. Mr. President, I ask unanimous consent that the title of H.R. 2005 be amended so as to read:

A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the following nominations on the Executive Calendar.

Mr. BYRD. Mr. President, I am not prepared to do that yet.

Mr. DOLE. Mr. President, as I understand it, the managers handling the intelligence authorization bill will not require a rollcall vote. Is that correct?

Mr. LEAHY. My understanding on this side, Mr. President, is that there will not be a request for a rollcall. There will be a short colloquy that the chairman of the committee and I shall have regarding Contra aid. That will obviate the necessity of an amendment and a rollcall. I know of no roll-

calls that are going to be requested on this side of the aisle.

Mr. DURENBERGER. Mr. President, as far as the Chair is concerned, there is no reason for a rollcall vote. There will be two minor amendments, one on behalf of Senator BENTSEN, the other on behalf of Senator SIMPSON, neither of which requires a rollcall vote. No rollcall will be necessary on passage.

Mr. DOLE. Mr. President, on that basis, and I think the distinguished minority leader might agree, with that assurance on both sides that no rollcall vote will be requested, I think we can indicate to Members that there will be no rollcall votes tonight. We will not be in session tomorrow. We will come in at approximately 11 a.m. on Monday, and there will be no votes on Monday until 4 p.m.

Mr. BYRD. Mr. President, I think that would be desirable.

Mr. DOLE. I thank the managers of the bill. I yield the floor.

Mr. President, there will be no more rollcall votes this evening and we will not be in session tomorrow.

INTELLIGENCE AUTHORIZATION, 1986

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 287, S. 1271, the Intelligence Authorization Act.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1271) to authorize appropriations for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services and on behalf of the Committee on Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 1271

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 1986".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1986 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.

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(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.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1986, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and the 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 1986, funds may not be made available for any intelligence 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 activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence 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 fiscal year 1986 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.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF A RESEARCH AND ENGINEERING FACILITY AT THE NATIONAL SECURITY AGENCY HEADQUARTERS COMPOUND

Sec. 105. The National Security Agency is authorized to secure the design and construction of a research and engineering facility at its headquarters compound at Ft. Meade, Maryland. A single continuous contract may be employed to facilitate completion of the building authorized by this section, and the Secretary of Defense is authorized to contract for design and construction in advance of appropriations therefor, but the cost of such facility may not exceed \$75,064,000. Of the amounts authorized to be appropriated under section 101(4) of this Act, there is authorized to be appropriated for fiscal year 1986 the sum of \$21,364,000 for design and construction of the facility authorized by this section during fiscal year 1986.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1986 the sum of \$22,283,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

Sec. 202. (a) The Intelligence Community Staff is authorized two-hundred-and-thirty-three full-time personnel as of September 30, 1986. 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 1986, 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 activities.

(c) During fiscal year 1986, 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 1986, 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. 430a et seq.) 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 1986 the sum of \$101,400,000.

TITLE IV—GENERAL PROVISIONS

AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 401. 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 COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Sec. 402. 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 any increases in such employee compensation or benefits authorized by law.

TITLE V—FACILITATING NATURALIZATION OF CERTAIN FOREIGN INTELLIGENCE SOURCES

IMMIGRATION AND NATIONALITY ACT AMENDMENT

Sec. 501. 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)(1) Whenever the Director of Central Intelligence, the Attorney General and the Commissioner of Immigration determine

that a petitioner otherwise eligible for naturalization has made an extraordinary contribution to the national security of the United States or to the conduct of United States intelligence activities, 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.

“(2) A petition for naturalization may be filed pursuant to this subsection in any district court of the United States, without regard to the residence of the petitioner. Proceedings under this subsection shall be conducted in a manner consistent with the protection of intelligence sources, methods and activities.

“(3) The number of aliens naturalized pursuant to this subsection in any fiscal year shall not exceed fifteen. The Director of Central Intelligence shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives each time a determination is made to apply the provisions of this subsection.”.

TITLE VI—ADMINISTRATIVE PROVISIONS

USE OF PROCEEDS FROM DEFENSE DEPARTMENT COUNTERINTELLIGENCE OPERATIONS

Sec. 601. (a) During fiscal year 1986, the Secretary of Defense may authorize use of proceeds from counterintelligence operations conducted by components of the Military Departments to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3302 of title 31, United States Code.

(b) As soon as the net proceeds from any such counterintelligence operation are no longer necessary for the conduct of that operation, such proceeds shall be deposited into the Treasury as miscellaneous receipts.

RETIREMENT BENEFITS FOR CERTAIN CENTRAL INTELLIGENCE AGENCY EMPLOYEES SERVING IN UNHEALTHFUL AREAS

Sec. 602. Section 251 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting “(a)” after “Sec. 251.” and by adding at the end thereof the following new subsection:

“(b) The Director of Central Intelligence may from time to time establish, in consultation with the Secretary of State, a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts. Each year of duty at such posts, inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of service of a participant under this Act for the purpose of retirement, fractional months being considered as full months in computing such service. No extra credit for service at such unhealthful posts shall be credited to any participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for such service.”.

[COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR OF GENERAL INTELLIGENCE

Sec. 603. (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.”.]

APPLICATION OF FOREIGN MISSIONS ACT TO INDIVIDUALS ON SECONDMENT TO THE UNITED NATIONS SECRETARIAT

SEC. [604.] 608. The Secretary of State is directed to apply to all individuals who are on secondment from their respective governments to the United Nations Secretariat any and all terms, limitations, restrictions, or conditions applicable to individuals pursuant to the Foreign Missions Act of 1982 (22 U.S.C. 4301 et seq.), as may from time to time be applied to members of the consulates, embassies, or missions to the United Nations of those respective governments in the United States, pursuant to the Foreign Missions Act.

TITLE VII—DIPLOMATIC EQUIVALENCE AND RECIPROCIITY

SHORT TITLE

SEC. 701. This title may be cited as the "Diplomatic Equivalence and Reciprocity Act of 1985".

POLICY

SEC. 702. (a) It is the policy of the United States that the number of nationals of the Soviet Union admitted to the United States who serve as diplomatic or consular personnel of the Soviet Union in the United States shall not exceed the number of United States nationals admitted to the Soviet Union who serve as diplomatic or consular personnel of the United States in the Soviet Union unless the President determines and so certifies to the Congress that additional admissions of such personnel would be in the best interests of the United States.

(b) The policy contained in subsection (a) shall not apply to dependents or spouses who do not serve as diplomatic or consular personnel.

REPORTING REQUIREMENT

SEC. 703. Not later than six months after the date of enactment of this title, the Secretary of State and the Attorney General shall prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth a plan for ensuring that the number of Soviet nationals described in section 701 does not exceed the limitation described in such section.

DEFINITIONS

SEC. 704. For purposes of this title—

(1) the term "diplomatic or consular personnel" means the members of the diplomatic mission or the members of the consular post, as the case may be;

(2) the term "members of the diplomatic mission" is used within the meaning of article 1(b) of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; and

(3) the term "members of the consular post" is used within the meaning of article 1(g) of the Vienna Convention on Consular Relations, done April 24, 1963.

TITLE VIII—ACCESS TO CRIMINAL HISTORY RECORDS FOR NATIONAL SECURITY PURPOSES

CONGRESSIONAL FINDINGS AND POLICIES

SEC. 801. The Congress finds—

(1) that under the Constitution, Congress has the responsibility and power to provide for the common defense and security of our Nation;

(2) that the interests of national security require that the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency conduct investigations of individuals for the purpose of determining eligibility for access to classified information, assignment to or retention in

sensitive national security duties, or acceptance or retention in the armed services;

(3) that the interests of national security require that the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency have access to criminal history record information when conducting investigations of individuals for the purpose of determining eligibility for access to classified information, assignment to or retention in sensitive national security duties, or acceptance or retention in the armed services; and

(4) that the interests of national security have been adversely affected by the reluctance and refusal of some State and local criminal justice agencies to provide criminal history record information to the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency for use in investigations of individuals for the purpose of determining eligibility for access to classified information, assignment to or retention in sensitive national security duties, or acceptance or retention in the armed services.

SEC. 802. Chapter 31 of title 10, United States Code, is amended by striking out section 520a and substituting the following:

"§ 520a. Criminal history record information for national security purposes

"(a) As used in this chapter:

"(1) The term 'criminal justice agency' includes Federal, State, and local agencies and means: (A) courts, or (B) Government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or Executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

"(2) The term 'criminal history record information' means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correction supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system. The term does not include those records sealed pursuant to a lawful order of a court of law.

"(3) The term 'classified information' means information or material designated pursuant to the provisions of a statute or Executive order as requiring protection against unauthorized disclosure for reasons of national security.

"(4) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of Pacific Islands, and any other territory or possession of the United States.

"(5) The term 'local' and 'locality' means any local government authority or agency or component thereof within a State having jurisdiction over matters at a county, municipal, or other local government level.

"(b)(1) Upon request by the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency, criminal justice agencies shall make available criminal history record information regarding individuals under investigation by the Department of Defense, the Office of Personnel Management or the Central Intelligence Agency for the purpose of determining eligibility for (A) access to classified information, (B) assignment to or retention in sensitive national security duties, or (C) acceptance or retention in the armed serv-

ices. Fees charged for providing criminal history record information pursuant to this subsection shall not exceed those charged to other criminal justice agencies for such information.

"(2) This subsection shall apply notwithstanding any other provision of law or regulation of any State or of any locality within a State, or any other law of the United States.

"(c) The Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency shall not obtain criminal history record information pursuant to this section unless it has received written consent from the individual under investigation for the release of such information for one or more of the purposes set forth in subsection (b).

"(d) Criminal history record information received under this section shall not be disclosed except for the purposes set forth in subsection (b) or as provided by section 552a of title 5, United States Code."

SEC. 803. The amendments made shall become effective with respect to any inquiry which begins after the date of enactment of this Act conducted by the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency, for any of the purposes specified in subsection (b) of section 520a of title 10, United States Code, as added by this Act.

SEC. 804. These amendments are made pursuant to the powers vested in Congress as found in section 8 of article I of the United States Constitution.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the amendments of the Committees on Armed Services and Governmental Affairs be agreed to and that the bill as amended be treated as original text for the purpose of future amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to.

AMENDMENT NO. 711

Mr. DURENBERGER. Mr. President, on behalf of the Select Committee on Intelligence, I send to the desk amendments to amend title VI and title VII and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER), for himself and Mr. LEAHY, proposes an amendment numbered 711.

Beginning on page 10, line 12, strike out all through page 12, line 16.

Mr. DURENBERGER. Mr. President, it is my privilege to bring to the floor the intelligence authorization bill which authorizes appropriations for U.S. intelligence activities for fiscal year 1986.

The Select Committee on Intelligence views the annual budget authorization process as one of the principal means of fulfilling its oversight responsibilities because of the insight and leverage that this process provides in influencing the long-term scope and direction of U.S. intelligence efforts.

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S 12255

The legislation which we are laying before the Senate today authorizes appropriations for those programs and activities of the U.S. Government which serve the intelligence needs of our national policymakers. This includes the Central Intelligence Agency and the National Security Agency, as well as the national intelligence activities of the Departments of Defense, State, Treasury, and Energy, and the Federal Bureau of Investigation. The bill also authorizes appropriations for the intelligence community staff and the Central Intelligence Agency retirement and disability system, and it includes several legislative provisions to enhance the effectiveness of our intelligence agencies.

This year, as in the past, the committee conducted a comprehensive examination of the intelligence budget request. However, for the first time since the committee was formed, the entire budget authorization process was reviewed at the full committee rather than the subcommittee level, which enhanced member participation. Twelve hearings were held which included testimony from the Director and Deputy Director of Central Intelligence, key Defense Department officials, and each of the principal intelligence program managers.

Because of the sensitivity of the matters dealt with in the intelligence authorization bill, I cannot discuss details in open session. These recommendations have, however, been set forth in the classified annex to the committee's report, which has been available to Members under the provisions of Senate Resolution 400 since June.

As is stressed in our reports, the committee believes that strengthening and improving the U.S. intelligence system should remain among our highest national priorities. As we have emphasized in the past, investment in intelligence must grow to ensure that the intelligence community is able to meet the challenges that our nation will face in the late 1980's and beyond. The committee recognizes that increased investment alone will not necessarily lead to the intelligence capabilities required in the years ahead. We must also be more innovative in crafting the Nation's intelligence activities to assure our capability to meet the challenges U.S. policymakers will face as we rapidly approach the 21st century. Our assessment continues to be the same; we see no lessening of the worldwide competition with our principal adversaries while, at the same time, developments in the Third World and global issues will grow in importance to same, we see no lessening of the worldwide competition with our principal adversaries while, at the same time, developments in the Third World and global issues will grow in importance to our national security. We see an ever-increasing threat against us, both as individuals who are potentially targeted for terrorist actions and as a nation which must keep

an ever-constant vigil for those who would threaten our security.

The committee feels that it is becoming increasingly important to structure the intelligence capability so that our Nation is assured of the peace and independence upon which it was founded. In its charter in Senate Resolution 400, the committee was assigned the responsibility to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence to the executive and legislative branches. With these factors in mind, the members of the committee have identified and established a long-range goal that will provide a framework for our future review of intelligence budget proposals.

Our first major goal became the formulation of a requirement for the administration to develop and submit a strategy for national intelligence. The committee agreed early in the year on this goal for a national intelligence strategy. We will examine the fiscal year 1986 budget in terms of the strategy and expect the fiscal year 1987 budget to reflect adherence to the strategy process. While intelligence activities will remain unique, the process employed will not be dissimilar to the posture statement and resource allocation exercise currently utilized by the DOD.

We intend this strategy to be updated annually and to be the basis for understanding what is being done in intelligence and what is proposed.

There has never been a comprehensive strategy for the intelligence community which was based on a disciplined, consistent standard against which one could measure the state of American intelligence. The intelligence target is infinite, and our resources will always be limited. Yet, there is no vehicle which explains our strengths and weaknesses in intelligence in terms other than "more intelligence is better than less" and "faster processing and dissemination is better than slower."

To address these concerns and to achieve our goal, the committee has designed a series of hearings to be held in phases. We have already completed phase I in this hearing process and are now well into phase II. These hearings allow us to look at specific areas to see whether strategic thinking is guiding intelligence decisions. We are calling in experts from the intelligence community—those consumers and decision makers from both the current as well as the prior arena of intelligence.

From these hearings, the committee is developing a set of guidelines for the intelligence community. The Director of Central Intelligence will then develop a national intelligence strategy which will form the backbone of the committee's annual comprehensive examination of the intelligence budget request.

It is because the committee feels so strongly the importance of strengthened national security that it has taken on these added responsibilities of contributing to a more structured and coordinated effort toward our country's intelligence capabilities.

With that in mind, the committee believes that the investments included in the authorization before you now, as well as continued investments are absolutely essential. Intelligence is the Nation's first line of defense; it is also one of our major assets for maintaining world peace. In these perilous times, when miscalculations could have such devastating consequences, it is more important than ever that this Nation maintain a strong intelligence system. I strongly urge my colleagues' support for this important legislation.

Mr. President, I ask unanimous consent that a letter from the Congressional Budget Office, submitted pursuant to section 403 of the Congressional Budget Act of 1974, be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1985.

HON. DAVID DURENBERGER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate on S. 1271, the Intelligence Authorization Act for Fiscal Year 1986, as ordered reported by the Senate Select Committee on Intelligence on June 11, 1985.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

With best wishes,
Sincerely,

RUDOLPH G. PENNER,
Director.

CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

1. Bill number.—S. 1271
2. Bill title.—Intelligence Authorization Act for fiscal year 1986.
3. Bill Status.—As ordered reported by the Senate Select Committee on Intelligence on June 11, 1985.
4. Bill purpose.—To authorize appropriations for the fiscal year 1986 for intelligence activities of the United States Government the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability Fund, and for other purposes.
5. Estimated cost to the Federal Government:

(By fiscal year, in millions of dollars)

	1986	1987	1988	1989	1990
Authorization amount ¹	145.0				
Estimated outlays ¹	123.2	77	64	39	2

¹ Does not include costs of Sec. 101 or receipts from Sec. 601 which are classified.

Basis for Estimate.—The authorization amounts are stated in the bill. The estimate assumes the funds will be appropriated for the full amount of the authorization. Expenditure of these funds is assumed to follow historic patterns.

Section 101 authorizes funds for the conduct of intelligence activities of several elements of the United States government. The amounts authorized by this section are

classified and are excluded from this cost estimate.

Section 105 authorizes \$21.4 million for the construction of a research and engineering facility at Fort Meade, Maryland for the National Security Agency.

Section 201 authorizes \$22.3 million for the Intelligence Community staff. This amount provides for 233 full-time personnel as of September 30, 1986.

Section 301 provides \$101.4 million for the Central Intelligence Agency Retirement and Disability Fund.

Section 601 authorizes the Secretary of Defense to use the proceeds of counterintelligence operations conducted by components of the Military Departments to offset necessary and reasonable expenses incurred in such operations. Surplus funds are to be deposited in the Treasury as miscellaneous receipts. The amounts involved in this provision are classified and are excluded from this cost estimate.

Section 602 authorizes the Director of Central Intelligence to establish a list of posts deemed unhealthful. Personnel would receive one and one half years credit toward retirement for each year served in such a post. Because the number of posts determined to be unhealthful and the number of personnel affected by such a determination are not known, it is not possible to estimate the budgetary impact of this provision.

The bill includes other provisions that do not have significant budgetary impacts.

6. Estimated cost to state and local governments.—None.

7. Estimate comparison.—None.

8. Previous cost estimate.—None.

9. Estimate prepared by.—Jonathan Tyson (226-2840).

10. Estimate approved by.—James L. Blum, Assistant Director for Budget Analysis.

Mr. LEAHY. Mr. President, I compliment the distinguished chairman of the committee for his remarks. We have done something different this year than I have seen in the slightly over 5 years that I have served on the Intelligence Committee: that is to handle the budget at the full committee rather than the subcommittee level. Having served at both levels, I think there had been distinct advantages to allowing all members of the Intelligence Committee involved in the budget process. With the complement of new members on both sides of the aisle, hallowed members to have a better idea of what is in often a very complex and, of course, very secret budget. I think the only way one fully understands what goes in the intelligence community is by analysis of the budget. As the Intelligence Committee has found, no matter how well-intentioned all of us are, often the only real oversight control we have is through the budget process.

So it was a good experiment to try this year. I think it is one that should be continued for the next fiscal year. I am most pleased with the committees activism in the area of terrorism. It is one that I have encouraged for years. As recent events have shown us, terrorist activity throughout the world constitutes one of the major, if not the major, nonnuclear threats to the security of the United States and to our interests worldwide as well as to our domestic security.

I believe this legislation takes very affirmative action to address the threat posed by terrorism.

Mr. President, I yield to the distinguished chairman of the committee.

The PRESIDING OFFICER. The question is now on agreeing to the amendment.

The amendment (No. 711) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the amendments was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 713

(Purpose: To require notification of the Judiciary Committees that certain naturalization requirements do not apply to certain aliens because of their extraordinary contribution to United States national security, and for other purposes)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk on behalf of the Senator from Wyoming (Mr. SIMPSON) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER), for Mr. Simpson, proposes an amendment numbered 713.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, beginning on line 12, strike out "fifteen" and all that follows through "Intelligence" and all that follows through "Intelligence" on line 15 and insert in lieu thereof the following: "Ten. The Director of Central Intelligence shall notify the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary".

Mr. DURENBERGER. Mr. President, the purpose of this amendment very simply is to require notification of the Judiciary Committees that certain naturalization requirements do not apply to certain aliens because of the extraordinary contributions to U.S. national security. It is a very appropriate amendment on behalf of our colleague from Wyoming, who is also chairman of the Immigration and Naturalization Subcommittee of Judiciary. He spotted an oversight on the part of the committee, and I highly recommend its adoption.

Mr. LEAHY. Mr. President, I thoroughly concur with the statement of the Senator from Minnesota and also urge adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 713) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 714

(Purpose: To provide additional funding and authority for the Federal Bureau of Investigation in order to improve the counterterrorist capabilities of the Bureau)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of the Senator from Texas (Mr. BENTSEN), for himself, Mr. DURENBERGER, myself, and other Senators listed on the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for Mr. BENTSEN, Mr. DURENBERGER, Mr. LEAHY, Mr. COHEN, Mr. BOREN, Mr. ROTH, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. ZORINSKY, Mr. SPECTER, Mr. BRADLEY, Mr. LONG, and Mr. GRASSLEY, proposes an amendment numbered 714.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Sec. (a) There are authorized to be appropriated for fiscal year 1986, \$59,539,000 for the Federal Bureau of Investigation to carry out the counterterrorism activities.

(b) Notwithstanding any other provision of law, the Federal Bureau of Investigation may purchase for fiscal year 1986, an additional 40 vehicles to be used in counterterrorist activities.

(c) Notwithstanding any other provision of law, the Attorney General may make payments in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism.

Mr. BENTSEN. Mr. President, it has been 3 months now since the hijacking of TWA Flight 847 and the execution of Navy diver Robert Stethem by Middle Eastern terrorists. As the circumstances surrounding this tragic event lose their sharp edge in our collective memory, it would be all too easy for us to lapse into complacency and to ignore the growing potential for terrorist activities here in the United States.

Ignoring the reality of terrorism, however, would be exceedingly shortsighted. We are fortunate that terrorist activity in this country has not risen to the heights that it reaches routinely elsewhere in the world, but we cannot assume that it will remain at a reduced level. Indeed, on a worldwide basis the number of terrorist incidents is increasing steadily. And for the past few years over 40 percent of these incidents have been directed against the U.S. Government or U.S. citizens or their property.

Nor are international terrorists the only threat we face. This past week in

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S 12257

Seattle, 11 members of a neo-Nazi group called "The Order" went on trial for committing 67 crimes designed to finance the overthrow of the U.S. Government, and establish a white supremacist society. And barely 3 weeks ago the FBI arrested 13 members of the Puerto Rican terrorist organization "Los Macheteros," the group that was apparently responsible for the killing of two sailors in an attack on a United States Navy bus in Puerto Rico.

The actual number of terrorist incidents in the United States has decreased over the past few years, but the number of incidents the FBI has prevented has increased significantly. Furthermore, according to FBI statistics, there were no terrorist actions in the United States in 1983 attributable to Middle Eastern groups, and only one such incident in 1984. I am not at all confident that this trend will continue.

As a case in point, the Reverend Ben Weir, the Presbyterian minister who was held captive by Moslem extremists in Lebanon for 16 months, was recently released. We were all delighted to have the Reverend Weir back with us, safe and unharmed. But he brought with him his captors' threats of more kidnappings and more executions of Americans.

Given what we know about how Libya's Colonel Qadhafi and Iran's Ayatollah Khomeini feel about us, and given the number of pro-Qadhafi Libyans and pro-Khomeini Iranians resident here in the United States, I do not believe that this is the time to relax and let down our guard. Those concrete barricades that block the entrances onto the Capitol grounds are not there to enhance the beauty of the place.

On the contrary, the very openness of our society makes us vulnerable to terrorist attacks, particularly attacks directed at Government offices, communications centers, transportation hubs, or power grids.

Our first line of defense against domestic terrorism is the Federal Bureau of Investigation, and the FBI has been doing a good job. Despite the increasing threat of terrorism, though, the FBI budget in this area has not even been enough to keep up with inflation.

For fiscal year 1985 the FBI's counter-terrorism budget was just under \$40 million. For fiscal year 1986, OMB froze the counter-terrorism budget at that same level and rejected a request for an \$11 million supplemental appropriation for fiscal year 1985. Subsequently, the FBI has identified additional needs in this area. After talking with them and working over the figures very carefully, the total requirement for the FBI in this area for fiscal year 1986 has been established at \$50.5 million. This represents an increase of about \$20 million over both the actual budget for fiscal year 1985 and the proposed budget for fiscal year 1986, and it is money which

I believe would be well spent to help protect the people of the United States against the threat of terrorism in this country.

Now, what will this additional funding provide in counter-terrorist capability?

First, it will allow the FBI to hire 75 more agents and 45 support staff for counter-terrorist task forces in seven major cities. It will allow 11 more agents for the hostage rescue team, 40 additional positions in support of the Terrorist Research and Analytical Center, and 20 more analysts to support counter-terrorist operations. It will also provide support and equipment for a secure teleconferencing capability for hostage-counter-terrorist coordination, will provide additional automobiles, equipment, training, and weapons for counter-terrorist, and will allow the FBI to reimburse local law enforcement agencies for their overtime assistance to the FBI in this area. The details of some of this funding are classified, and it is the intention of this amendment that appropriate language be included in the classified annex to the committee report on this authorization, explaining how certain of these funds will be expended.

Mr. President, the total reflected in this amendment will be money well spent when compared with the potential cost of just one terrorist attack. I believe this amount is reasonable and is a wise investment to help protect the citizens of this country against the growing danger of terrorist activities. I urge your support of this amendment.

Mr. LEAHY. Mr. President, the purpose of the amendment is to increase the assistance needed by the FBI in their counterterrorist activity. I believe the increase is vitally needed. From my dual role as a member of the Intelligence Committee and the Judiciary Committee, I can state that during the past 4 years the FBI has significantly improved its counterterrorist activities. I believe this amendment will further enhance the FBI's counterterrorist activities. I congratulate my distinguished colleague from Texas, Senator BENTSEN on his fine work.

Mr. DURENBERGER. Mr. President, I concur in the judgment of my colleague, the ranking member of the Intelligence Committee, and that of the Senator from Texas who proposed the amendment which we have joined in cosponsoring. I, too, urge its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. T14) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER. Mr. President, I ask for third reading.

Mr. LEAHY. Mr. President, will the Senator withhold just for a moment?

Mr. DURENBERGER. Yes, I will.

Mr. LEAHY. A question arose earlier this evening, Mr. President, as we were preparing to go forward with this bill, by a number of Senators concerned, as a number of us have been, with our policy in Nicaragua. Specifically they were concerned about the funds for humanitarian assistance provided by this bill to the insurgents in Nicaragua. I do not mean to revisit the whole debate we have on the floor of the Senate. We have had a series of votes on it. But the assurance I have given to Senators, if I might say, Mr. President, is that we have passed legislation which allows humanitarian aid to the Contras, to be administered by the only office of Nicaragua Humanitarian Assistance in the Department of State under certain restrictions that have been voted on in the past by both bodies and signed into law by the President in an amount of \$28 million.

I have further assured these Senators that the \$28 million for this aid to be administered through the Department of State is included in this bill in the CIA's contingency fund. I have assured them further that only the funds only can be used for humanitarian assistance.

Furthermore, no other moneys for the CIA or any other agency or Department covered by this bill can be used in excess of that \$28 million. As I said, that \$28 million is to be administered only by the Department of State. I have given that assurance to those Senators who at one point had considered bringing further amendments to this bill.

I ask my good friend from Minnesota, the distinguished chairman of the committee, if the assurances I have outlined are accurate in his understanding.

Mr. DURENBERGER. Mr. President, I say to my colleague from Vermont that if I accurately understand the gist of his characterization, I certainly do agree with it.

As he well knows and many others know, I made a point at the end of 1984 of declaring my personal opposition to continued use of covert activity in Nicaragua. I took a similar position as chairman of the committee since January of this year.

In the committee, we have deliberately steered a course of neutrality on the issue of utilization of the CIA or other intelligence agencies in some of the areas that my colleague talked about.

In effect, what we accomplished as we went through the budget process was to say that whatever the authorization on the floor of the Senate with regard to the appropriation for Nicaragua, that authorization would control any expenditures from the reserve account. Specifically, for our colleagues,

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this issue is dealt with in a classified supplement through the Intelligence Committee's report, and even more specifically is dealt with in the classified supplement of the Intelligence Committee's report.

The committee moved \$100 million requested for Nicaragua paramilitary to the reserve, to be spent only for humanitarian assistance to the so-called Nicaraguan democratic resistance, in an amount and in a manner consistent with congressional action on this issue. Because congressional action has proscribed CIA and DOD administration of the humanitarian aid funds—all of it in the separate authorization, as I indicated—the Intelligence Committee's action, in effect, has been overtaken by events.

I say to my colleague and the others, particularly on his side of the aisle, who have expressed a concern about this issue, that he is correct in his characterization of our authority.

Mr. LEAHY. With that assurance, Mr. President—and it is also my understanding—I have been told by the Senators who have a concern about this that they do not intend to bring up another amendment and thus revisit something that has been voted on.

The Senators who raised the point have been on the losing side before, and they realize that the vote would be the same if held again. I think they realize that the Intelligence Committee handled this matter in a straightforward fashion. It is clear we in the committee watch how and where the money is spent; to be certain it is done so in a manner prescribed by the law.

With that assurance, I assure the chairman that there will not be amendments on this side on this matter.

Mr. DURENBERGER. I thank the Senator.

Mr. President, I ask for third reading of S. 1271.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2419, Calendar No. 239, a companion bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2419), to authorize appropriations for fiscal year 1986 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.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DURENBERGER. Mr. President, I move to strike all after the enacting clause of H.R. 2419 and substitute in lieu thereof the text of S. 1271, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 2419, as amended) was passed, as follows:

H.R. 2419

Resolved, That the bill from the House of Representatives (H.R. 2419) entitled "An Act to authorize appropriations for fiscal year 1986 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", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Intelligence Authorization Act for fiscal year 1986".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1986 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 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.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1986, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Select Committee on Intelligence of the Senate. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and the 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 1986, funds may not be made available for any intelligence 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 activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence 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 fiscal year 1986 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.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF A RESEARCH AND ENGINEERING FACILITY AT THE NATIONAL SECURITY AGENCY HEADQUARTERS COMPOUND

SEC. 105. The National Security Agency is authorized to secure the design and construction of a research and engineering facility at its headquarters compound at Ft. Meade, Maryland. A single continuous contract may be employed to facilitate completion of the building authorized by this section, and the Secretary of Defense is authorized to contract for design and construction in advance of appropriations therefor, but the cost of such facility may not exceed \$75,064,000. Of the amounts authorized to be appropriated under section 101(4) of this Act, there is authorized to be appropriated for fiscal year 1986 the sum of \$21,364,000 for design and construction of the facility authorized by this section during fiscal year 1986.

FUNDING AND AUTHORITY FOR FEDERAL BUREAU OF INVESTIGATION TO IMPROVE ITS COUNTER-TERRORIST CAPABILITIES

SEC. 106. (a) There are authorized to be appropriated for fiscal year 1986, \$59,539,000 for the Federal Bureau of Investigation to carry out the counterterrorism activities.

(b) Notwithstanding any other provision of law, the Federal Bureau of Investigation may purchase for fiscal year 1986, an additional 40 vehicles to be used in counterterrorist activities.

(c) Notwithstanding any other provision of law, the Attorney General may make payments in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1986 the sum of \$22,283,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two-hundred-and-thirty-three full-time personnel as of September 30, 1986. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff

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or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1986, 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 activities.

(c) During fiscal year 1986, 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 1986, 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. 430a et seq.) 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 1986 the sum of \$101,400,000.

TITLE IV—GENERAL PROVISIONS

AUTHORITY FOR THE CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 401. 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 COMPENSATION AND BENEFITS AUTHORIZED BY LAW

SEC. 402. 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 any increases in such employee compensation or benefits authorized by law.

TITLE V—FACILITATING NATURALIZATION OF CERTAIN FOREIGN INTELLIGENCE SOURCES

IMMIGRATION AND NATIONALITY ACT AMENDMENT

SEC. 501. 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)(1) Whenever the Director of Central Intelligence, the Attorney General and the Commissioner of Immigration determine that a petitioner otherwise eligible for naturalization has made an extraordinary contribution to the national security of the United States or to the conduct of United States intelligence activities, 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.

"(2) A petition for naturalization may be filed pursuant to this subsection in any district court of the United States, without regard to the residence of the petitioner. Proceedings under this subsection shall be conducted in a manner consistent with the pro-

tection of intelligence sources, methods and activities.

"(3) The number of aliens naturalized pursuant to this subsection in any fiscal year shall not exceed ten. The Director of Central Intelligence shall notify the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives each time a determination is made to apply the provisions of this subsection."

TITLE VI—ADMINISTRATIVE PROVISIONS

USE OF PROCEEDS FROM DEFENSE DEPARTMENT COUNTERINTELLIGENCE OPERATIONS

SEC. 601. (a) During fiscal year 1986, the Secretary of Defense may authorize use of proceeds from counterintelligence operations conducted by components of the Military Departments to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3302 of title 31, United States Code.

(b) As soon as the net proceeds from any such counterintelligence operation are no longer necessary for the conduct of that operation, such proceeds shall be deposited into the Treasury as miscellaneous receipts.

RETIREMENT BENEFITS FOR CERTAIN CENTRAL INTELLIGENCE AGENCY EMPLOYEES SERVING IN UNHEALTHFUL AREAS

SEC. 602. Section 251 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "(a)" after "Sec. 251," and by adding at the end thereof the following new subsection:

"(b) The Director of Central Intelligence may from time to time establish, in consultation with the Secretary of State, a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts. Each year of duty at such posts, inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of service of a participant under this Act for the purpose of retirement, fractional months being considered as full months in computing such service. No extra credit for service at such unhealthful posts shall be credited to any participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for such service."

TITLE VII—ACCESS TO CRIMINAL HISTORY RECORDS FOR NATIONAL SECURITY PURPOSES

CONGRESSIONAL FINDINGS AND POLICIES

SEC. 701. The Congress finds—

(1) that under the Constitution, Congress has the responsibility and power to provide for the common defense and security of our Nation;

(2) that the interests of national security require that the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency conduct investigations of individuals for the purpose of determining eligibility for access to classified information, assignment to or retention in sensitive national security duties, or acceptance or retention in the armed services;

(3) that the interests of national security require that the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency have access to criminal history record information when conducting investigations of individuals for the purpose of determining eligibility for access to classified information, assignment to or retention in sensitive national security duties, or acceptance or retention in the armed services; and

(4) that the interests of national security have been adversely affected by the reluctance

and refusal of some State and local criminal justice agencies to provide criminal history record information to the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency for use in investigations of individuals for the purpose of determining eligibility for access to classified information, assignment to or retention in sensitive national security duties, or acceptance or retention in the armed services.

SEC. 702. Chapter 31 of title 10, United States Code, is amended by striking out section 520a and substituting the following:

"§ 520a. Criminal history record information for national security purposes

"(a) As used in this chapter:

"(1) The term 'criminal justice agency' includes Federal, State, and local agencies and means: (A) courts, or (B) Government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or Executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

"(2) The term 'criminal history record information' means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correction supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system. The term does not include those records sealed pursuant to a lawful order of a court of law.

"(3) The term 'classified information' means information or material designated pursuant to the provisions of a statute or Executive order as requiring protection against unauthorized disclosure for reasons of national security.

"(4) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of Pacific Islands, and any other territory or possession of the United States.

"(5) The term 'local' and 'locality' means any local government authority or agency or component thereof within a State having jurisdiction over matters at a county, municipal, or other local government level.

"(b)(1) Upon request by the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency, criminal justice agencies shall make available criminal history record information regarding individuals under investigation by the Department of Defense, the Office of Personnel Management or the Central Intelligence Agency for the purpose of determining eligibility for (A) access to classified information, (B) assignment to or retention in sensitive national security duties, or (C) acceptance or retention in the armed services. Fees charged for providing criminal history record information pursuant to this subsection shall not exceed those charged to other criminal justice agencies for such information.

"(2) This subsection shall apply notwithstanding any other provision of law or regulation of any State or of any locality within a State, or any other law of the United States.

"(c) The Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency shall not obtain criminal

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history record information pursuant to this section unless it has received written consent from the individual under investigation for the release of such information for one or more of the purposes set forth in subsection (b).

"(d) Criminal history record information received under this section shall not be disclosed except for the purposes set forth in subsection (b) or as provided by section 552a of title 5, United States Code."

Sec. 703. The amendments made shall become effective with respect to any inquiry which begins after the date of enactment of this Act conducted by the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency, for any of the purposes specified in subsection (b) of section 520a of title 10, United States Code, as added by this Act.

Sec. 704. These amendments are made pursuant to the powers vested in Congress as found in section 8 of article I of the United States Constitution.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses on H.R. 2419 and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. DURENBERGER, Mr. COHEN, Mr. HATCH, Mr. MURKOWSKI, Mr. HECHT, Mr. McCONNELL, Mr. LEAHY, Mr. BENTSEN, Mr. NUNN, Mr. BROWN, and Mr. BRADLEY conferees on the part of the Senate.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that S. 1271 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I compliment the distinguished chairman of the committee for his expeditious handling of this matter. It has been a pleasure to work with him in putting this bill together.

Also, we have an excellent and non-partisan staff that has helped us.

In carrying out my duties, I especially want to thank Eric Newsom, Dan Finn, and George Tenet. In mentioning those three, I do not mean in any way to preclude others, because we have some of the finest men and women serving on the Intelligence Committee, working with Senators on both sides of the aisle, of any committee on which I have served.

Mr. DURENBERGER. Mr. President, I am grateful to my colleague from Vermont for his comments.

I am particularly grateful to the majority leader and the minority leader for the wisdom they have demonstrated in January in the appointment of nine new members to a committee which is incredibly important to this body.

I compliment in particular the nine of our colleagues who are new to the

Intelligence Committee, for the effort they have put in during the last 8 months in mastering a difficult subject under somewhat difficult conditions.

In addition, the six of us who were holdovers had to adjust to some new realities, in which most of us did quite well. The new staff and the old staff have performed incredibly well under the direction of the new staff director, to whom I am most grateful, Mr. Bernie McMahon, who left the U.S. Navy for much more challenging responsibilities here.

All the members of the majority and minority staff are gifted and have made and will continue to make outstanding contributions to this effort. On my behalf and on behalf of my colleague from Vermont, I am grateful to them for the expeditious way in which this matter was handled, and to our colleagues who may have had some concerns about the content, for permitting us to go ahead with this bill this evening.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MELCHER. Mr. President, reserving the right to object, I wonder if the assistant majority leader can inform me whether I can call up the extension of the dairy program.

Mr. SIMPSON. Mr. President, we have—

The PRESIDING OFFICER. If the Chair may state, the pending business is the quorum call that has yet to be withdrawn.

Is there objection to withdrawal of the quorum?

Mr. MELCHER. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bill and joint resolution:

September 19, 1985:

S.J. Res. 31, Joint Resolution to designate the week of November 24 through November 30, 1985, and the week of November 23 through November 29, 1986, as "National Family Week."

September 25, 1985:

S. 444, An act to amend the Alaska Native Claims Settlement Act.

MESSAGES FROM THE HOUSE

At 3:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 1617, An Act to amend title 38, United States Code, to provide interim extensions of the authority of the Veterans' Administration to operate a regional office on the Republic of the Philippines, to contract for hospital care and outpatient services in Puerto Rico and the Virgin Islands, and to contract for treatment and rehabilitation services for alcohol and drug dependence and abuse disabilities, and to amend the Emergency Veterans' Job Training Act of 1983 to extend the period for entering into training under such Act; and

S.J. Res. 127, Joint resolution to grant the consent of Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1246, An act to establish a federally declared Floodway for the Colorado River below Davis Dam;

H.R. 2453, An act to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes; and

H.R. 3166, An act to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 3:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1689, An act to amend various provisions of the Public Health Service Act;

S.J. Res. 127, Joint resolution to grant the consent of Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; and

H.J. Res. 388, Joint resolution making continuing appropriations for the fiscal year 1986, and for other purposes.