

99TH CONGRESS
2D SESSION

S. 2477

[Report No. 99-307]

To authorize appropriations for fiscal year 1987 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21 (legislative day, MAY 19), 1986

Mr. DURENBERGER, from the Select Committee on Intelligence, reported the following original bill; which was read twice and referred jointly to the Committees on Armed Services, the Judiciary, Foreign Relations, and Governmental Affairs for the thirty-day time period provided in section 3(b) of Senate Resolution 400, Ninety-fourth Congress, provided that the Committee on the Judiciary be restricted to the consideration of title V and section 603, the Committee on Foreign Relations be restricted to the consideration of title VI, and the Committee on Governmental Affairs be restricted to the consideration of sections 401 and 409, provided that if any of said committees fails to report said bill within the thirty-day time limit, such committee shall be automatically discharged from further consideration of said bill in accordance with section 3(b) of Senate Resolution 400, Ninety-fourth Congress

A BILL

To authorize appropriations for fiscal year 1987 for intelligence activities of the United States Government, the Intelligence Community Staff, 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,*

1 That this Act may be cited as the "Intelligence Authoriza-
2 tion Act for fiscal year 1987".

3 TITLE I—INTELLIGENCE ACTIVITIES

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 101. Funds are hereby authorized to be appropri-
6 ated for fiscal year 1987 for the conduct of the intelligence
7 activities of the following elements of the United States
8 Government:

- 9 (1) The Central Intelligence Agency.
- 10 (2) The Department of Defense.
- 11 (3) The Defense Intelligence Agency.
- 12 (4) The National Security Agency.
- 13 (5) The Department of the Army, the Department
14 of the Navy, and the Department of the Air Force.
- 15 (6) The Department of State.
- 16 (7) The Department of the Treasury.
- 17 (8) The Department of Energy.
- 18 (9) The Federal Bureau of Investigation.

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, 1987, for the conduct of the intelligence ac-
23 tivities of the elements listed in such section, are those speci-
24 fied in the classified Schedule of Authorizations prepared by
25 the Select Committee on Intelligence of the Senate. That
26 Schedule of Authorizations shall be made available to the

1 Committees on Appropriations of the Senate and the House
2 of Representatives, and to the President. The President shall
3 provide for suitable distribution of the schedule, or of appro-
4 priate portions of the schedule, within the executive branch.

5 **PERSONNEL CEILING ADJUSTMENTS**

6 **SEC. 103.** The Director of Central Intelligence may au-
7 thorize employment of civilian personnel in excess of the
8 numbers authorized for fiscal year 1987 under sections 102
9 and 202 of this Act when he determines that such action is
10 necessary to the performance of important intelligence func-
11 tions, except that such number may not, for any element of
12 the Intelligence Community, exceed 2 per centum of the
13 number of civilian personnel authorized under such sections
14 for such element. The Director of Central Intelligence shall
15 promptly notify the Permanent Select Committee on Intelli-
16 gence of the House of Representatives and the Select Com-
17 mittee on Intelligence of the Senate whenever he exercises
18 the authority granted by this section.

19 **TITLE II—INTELLIGENCE COMMUNITY STAFF**

20 **AUTHORIZATION OF APPROPRIATIONS**

21 **SEC. 201.** There is authorized to be appropriated for the
22 Intelligence Community Staff for fiscal year 1987 the sum of
23 \$22,338,000.

24 **AUTHORIZATION OF PERSONNEL END STRENGTH**

25 **SEC. 202.** (a) The Intelligence Community Staff is au-
26 thorized two hundred and thirty-nine full-time personnel as of

4

1 September 30, 1987. Such personnel of the Intelligence
2 Community Staff may be permanent employees of the Intelli-
3 gence Community Staff or personnel detailed from other ele-
4 ments of the United States Government.

5 (b) During fiscal year 1987, personnel of the Intelli-
6 gence Community Staff shall be selected so as to provide
7 appropriate representation from elements of the United
8 States Government engaged in intelligence activities.

9 (c) During fiscal year 1987, any officer or employee of
10 the United States or a member of the Armed Forces who is
11 detailed to the Intelligence Community Staff from another
12 element of the United States Government shall be detailed on
13 a reimbursable basis, except that any such officer, employee,
14 or member may be detailed on a nonreimbursable basis for a
15 period of less than one year for the performance of temporary
16 functions as required by the Director of Central Intelligence.

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

19 SEC. 203. During fiscal year 1987, activities and per-
20 sonnel of the Intelligence Community Staff shall be subject to
21 the provisions of the National Security Act of 1947 (50
22 U.S.C. 401 et seq.) and the Central Intelligence Agency Act
23 of 1949 (50 U.S.C. 403a et seq.) in the same manner as
24 activities and personnel of the Central Intelligence Agency.

S 2477 RIS

1 **TITLE III—CENTRAL INTELLIGENCE AGENCY**
2 **RETIREMENT AND DISABILITY SYSTEM AUTHORIZATION**
3 **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 1987 the sum of \$125,800,000.

7 **TITLE IV—ADMINISTRATIVE PROVISIONS**
8 **RELATED TO INTELLIGENCE AGENCIES**
9 **CLASSIFIED RECORD DESTRUCTION SCHEDULES**

10 **SEC. 401.** Section 3303a of title 44, United States
11 Code, is amended by adding at the end thereof the following
12 new subsection:

13 “(g) The requirement in subsection (a) of this section
14 that the Archivist provide notice in the Federal Register of
15 the list and schedule of records proposed for disposal shall not
16 apply to lists or schedules of the Central Intelligence Agency
17 or the National Security Agency that are properly classified
18 pursuant to Executive Order 12356, or its successor order.”.

19 **EMPLOYMENT OF CIVILIAN PERSONNEL IN THE DEFENSE**
20 **INTELLIGENCE AGENCY**

21 **SEC. 402.** Paragraph 1604(e)(1) of chapter 83 of title
22 10, United States Code, is amended by striking out “1985
23 and 1986” and inserting in lieu thereof “1987 and 1988”.

1 CLARIFICATION OF DEFENSE MAPPING AGENCY

2 AUTHORITIES

3 SEC. 403. (a) Chapter 167 of title 10, United States
4 Code, is amended by adding at the end thereof the following:
5 **"§ 2795. Exchange of mapping, charting, and geodesy data**
6 **with foreign nations.**

7 "The Secretary of Defense may, subject to the require-
8 ments of section 112b of title I, United States Code, and the
9 regulations promulgated thereunder (22 CFR part 181), and
10 under such additional regulations as are deemed appropriate,
11 authorize the Defense Mapping Agency to exchange or fur-
12 nish mapping, charting, and geodetic data, supplies or serv-
13 ices to a foreign country or international organization pursu-
14 ant to an agreement for the production or exchange of such
15 data."

16 (b) The table of contents of chapter 167 of title 10,
17 United States Code, is amended by adding at the end thereof:
"2795. Exchange of mapping, charting, and geodesy data with foreign nations."

18 MEDICAL EVACUATION OF DIA CIVILIAN EMPLOYEES

19 STATIONED OVERSEAS

20 SEC. 404. Subsection 1605(a) of chapter 83 of title 10,
21 United States Code, is amended by inserting "(5)" after
22 "paragraphs (2), (3), (4)" and after "22 U.S.C. 4082 (2), (3),
23 (4)".

1 **PROCEEDS FROM DEFENSE DEPARTMENT**2 **COUNTERINTELLIGENCE OPERATIONS**

3 **SEC. 405. (a)** The Secretary of Defense may authorize,
4 without regard to the provisions of section 3302 of title 31,
5 United States Code, use of proceeds from counterintelligence
6 operations conducted by components of the Military Depart-
7 ments to offset necessary and reasonable expenses, not other-
8 wise prohibited by law, incurred in such operations, if use of
9 appropriated funds to meet such expenses would not be
10 practicable.

11 **(b)** As soon as the net proceeds from particular counter-
12 intelligence operations are no longer necessary for the con-
13 duct of those or similar operations, such proceeds shall be
14 deposited into the Treasury as miscellaneous receipts.

15 **(c)** The Secretary of Defense shall establish policies and
16 procedures to govern acquisition, use, management and dis-
17 position of proceeds from counterintelligence operations con-
18 ducted by components of the Military Departments, including
19 effective internal systems of accounting and administrative
20 controls.

21 **SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES OF**22 **CENTRAL INTELLIGENCE AGENCY EMPLOYEES**

23 **SEC. 406. (a)** Part C of title II of the Central Intelli-
24 gence Agency Retirement Act of 1964 for Certain Em-
25 ployees is amended by adding at the end thereof the following
26 new section:

1 "SURVIVOR BENEFITS FOR CERTAIN OTHER FORMER
2 SPOUSES

3 "SEC. 224. (a)(1) Any individual who was a former
4 spouse of a participant or former participant on November
5 15, 1982, shall be entitled, to the extent of available appro-
6 priations, and except to the extent such former spouse is dis-
7 qualified under subsection (b), to a survivor annuity equal to
8 55 per centum of the greater of—

9 "(A) the full amount of the participant's or former
10 participant's annuity, as computed under section
11 221(a); or

12 "(B) the full amount of what such annuity as so
13 computed would be if the participant or former partici-
14 pant had not withdrawn a lump-sum portion of contri-
15 butions made with respect to such annuity.

16 "(2) A survivor annuity payable under this section shall
17 be reduced by an amount equal to the amount of retirement
18 benefits, not including benefits under title II of the Social
19 Security Act, received by the former spouse which are attrib-
20 utable to previous employment of such former spouse by the
21 United States.

22 "(b) A former spouse shall not be entitled to a survivor
23 annuity under this section if—

24 "(1) an election has been made with respect to
25 such former spouse under section 223;

1 “(2) the former spouse remarries before age fifty-
2 five; or

3 “(3) the former spouse is less than fifty years of
4 age.

5 “(c)(1) The entitlement of a former spouse to a survivor
6 annuity under this section—

7 “(A) shall commence—

8 “(i) in the case of a former spouse of a par-
9 ticipant or former participant who is deceased as
10 of the effective date of this section, beginning on
11 the later of—

12 “(I) the sixtieth day after such date; or

13 “(II) the date such former spouse
14 reaches age fifty; and

15 “(ii) in the case of any other former spouse,
16 beginning on the latest date of—

17 “(I) the date that the participant or
18 former participant to whom the former
19 spouse was married dies;

20 “(II) the sixtieth day after the effective
21 date of this section; or

22 “(III) the date such former spouse
23 reaches age fifty; and

1 “(B) shall terminate on the last day of the month
2 before the former spouse’s death or remarriage before
3 attaining age fifty.

4 “(2)(A) A survivor annuity under this section shall not
5 be payable unless appropriate written application is provided
6 to the Director, complete with any supporting documentation
7 which the Director may by regulation require, within thirty
8 months after the effective date of this section.

9 “(B) Upon approval of an application provided under
10 subparagraph (A), the appropriate survivor annuity shall be
11 payable to the former spouse with respect to all periods
12 before such approval during which the former spouse was
13 entitled to such annuity under this section, but in no event
14 shall a survivor annuity be payable under this section with
15 respect to any period before the effective date of this section.

16 “(d) The Director shall—

17 “(1) issue such regulations as may be necessary to
18 carry out this section; and

19 “(2) to the extent practicable inform each individ-
20 ual who was a former spouse of a participant or former
21 participant on November 15, 1982, of any rights which
22 such individual may have under this section.”.

23 (b) Section 14(a) of the Central Intelligence Agency Act
24 of 1949 (59 U.S.C. 403n(a)) is amended by inserting “224,”
25 after “222, 223,”.

1 (c) For fiscal year 1987, not to exceed \$500,000 shall
 2 be available from amounts appropriated under the authority
 3 of section 101(1) of this Act for survivor annuities under sec-
 4 tion 224 of the Central Intelligence Agency Retirement Act
 5 of 1964 for Certain Employment and under the amendment
 6 made by subsection (b) of this section.

7 (d) The amendments made by this section shall take
 8 effect on October 1, 1986.

9 **HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES OF**
 10 **CENTRAL INTELLIGENCE AGENCY EMPLOYEES**

11 **SEC. 407. (a)** The Central Intelligence Agency Act of
 12 1949 is amended by adding at the end thereof a new section,
 13 as follows:

14 **"HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES OF**
 15 **CENTRAL INTELLIGENCE AGENCY EMPLOYEES**

16 **"SEC. 16. (a)** Except as provided in subsection (c)(1),
 17 any individual—

18 **"(1)** formerly married to an employee or former
 19 employee of the Agency whose marriage was dissolved
 20 by divorce or annulment before May 7, 1985;

21 **"(2)** who, at any time during the eighteen-month
 22 period before the divorce or annulment became final,
 23 was covered under a health benefits plan as a member
 24 of the family of such employee or former employee;
 25 and

1 “(3) who was married to such employee for not
2 less than ten years during periods of service by such
3 employee with the Agency, at least five years of which
4 were spent outside the United States by both the em-
5 ployee and the former spouse,
6 is eligible for coverage under a health benefits plan in accord-
7 ance with the provisions of this section.

8 “(b)(1) Any individual eligible for coverage under sub-
9 section (a) may enroll in a health benefits plan for self alone
10 or for self and family if, before the expiration of the six-month
11 period beginning on the effective date of this section, and in
12 accordance with such procedures as the Director of the Office
13 of Personnel Management shall by regulations prescribe, such
14 individual—

15 “(A) files an election for such enrollment; and

16 “(B) arranges to pay currently into the Employ-
17 ees Health Benefits Fund under section 8909 of title 5,
18 United States Code an amount equal to the sum of the
19 employee and agency contributions payable in the case
20 of an employee enrolled under chapter 89 of such title
21 in the same health benefits plan and with the same
22 level of benefits.

23 “(2) The Director of Central Intelligence shall take all
24 steps practicable—

1 “(A) to determine the identity and current address
2 of each former spouse eligible for coverage under sub-
3 section (a); and

4 “(B) to notify each such former spouse of that in-
5 dividual’s rights under this section.

6 “(3) The Director of the Office of Personnel Manage-
7 ment, upon notification by the Director of Central Intelli-
8 gence, shall waive the six-month limitation set forth in para-
9 graph (1) in any case in which the Director of Central Intelli-
10 gence determines that the circumstances so warrant.

11 “(c)(1) Any former spouse who remarries before age
12 fifty-five is not eligible to make an election under subsection
13 (b)(1).

14 “(2) Any former spouse enrolled in a health benefits
15 plan pursuant to an election under subsection (b)(1) may con-
16 tinue the enrollment under the conditions of eligibility which
17 the Director of the Office of Personnel Management shall by
18 regulation prescribe, except that any former spouse who re-
19 marries before age fifty-five shall not be eligible for continued
20 enrollment under this section after the end of the 31-day
21 period beginning on the date of remarriage.

22 “(d) No individual may be covered by a health benefits
23 plan under this section during any period in which such indi-
24 vidual is enrolled in a health benefits plan under any other

14

1 authority, nor may any individual be covered under more
2 than one enrollment under this section.

3 “(e) For purposes of this section the term ‘health bene-
4 fits plan’ means an approved health benefits plan under chap-
5 ter 89 of title 5, United States Code.”

6 (b) The amendment made by this section shall take
7 effect on October 1, 1986.

8 PHYSICAL SECURITY OF NATIONAL SECURITY AGENCY

9 FACILITIES

10 SEC. 408. The National Security Agency Act of 1959
11 (50 U.S.C. 402 note) is amended by deleting section 11 and
12 inserting in lieu thereof the following new section:

13 “SEC. 11. (a) The Director of the National Security
14 Agency may authorize National Security Agency personnel
15 within the United States to perform the same functions as
16 special policemen of the General Services Administration
17 perform under the first section of the Act entitled ‘An Act to
18 authorize the Federal Works Administrator or officials of the
19 Federal Works Agency duly authorized by him to appoint
20 special policemen for duty upon Federal property under the
21 jurisdiction of the Federal Works Agency, and for other pur-
22 poses’ (40 U.S.C. 318), with the powers set forth in that
23 section, except that such personnel shall perform such func-
24 tions and exercise such powers only within Agency installa-
25 tions, and the rules and regulations enforced by such person-

S 2477 RIS

1 nel shall be the rules and regulations promulgated by the
2 Director.

3 “(b) The Director is authorized to establish penalties for
4 violations of the rules or regulations promulgated by the Di-
5 rector under subsection (a) of this section. Such penalties
6 shall not exceed those specified in the fourth section of the
7 Act referred to in subsection (a) of this section (49 U.S.C.
8 318c).

9 “(c) Agency personnel designated by the Director under
10 subsection (a) of this section shall be clearly identifiable as
11 United States Government security personnel while engaged
12 in the performance of the functions to which subsection (a) of
13 this section refers.”.

14 TITLE V—ENHANCED FEDERAL BUREAU OF
15 INVESTIGATION COUNTERINTELLIGENCE
16 CAPABILITIES

17 ACCESS TO FINANCIAL RECORDS OF AGENTS OF FOREIGN
18 POWERS

19 SEC. 501. Section 1114(a) of the Right to Financial Pri-
20 vacy Act of 1978 (12 U.S.C. 3414(a)) is amended by adding
21 at the end thereof the following new paragraph:

22 “(5)(A) Financial institutions, and officers, employees,
23 and agents thereof, shall comply with a request for a custom-
24 er’s or entity’s financial records made pursuant to this sub-
25 section by the Federal Bureau of Investigation when the Di-

1 rector of the Federal Bureau of Investigation (or the Direc-
2 tor's designee) certifies in writing to the financial institution
3 that such records are sought for foreign counterintelligence
4 purposes and that there are specific and articulable facts
5 giving reason to believe that the customer or entity whose
6 records are sought is or may be a foreign power or an agent
7 of a foreign power as defined in section 101 of the Foreign
8 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

9 “(B) The Federal Bureau of Investigation may dissemi-
10 nate information obtained pursuant to this paragraph only as
11 provided in guidelines approved by the Attorney General for
12 foreign intelligence collection and foreign counterintelligence
13 investigations conducted by the Federal Bureau of Investiga-
14 tion, and, with respect to dissemination to an agency of the
15 United States, only if such information is clearly relevant to
16 the authorized responsibilities of such agency.

17 “(C) On a semiannual basis the Director of the Federal
18 Bureau of Investigation shall fully inform the Permanent
19 Select Committee on Intelligence of the House of Represent-
20 atives and the Select Committee on Intelligence of the
21 Senate concerning all requests made pursuant to this
22 paragraph.

23 “(D) No financial institutions, or officer, employee, or
24 agent of such institution, shall disclose to any person that the
25 Federal Bureau of Investigation has sought or obtained

1 access to a customer's or entity's financial records under this
2 paragraph."

3 ACCESS TO STATE AND LOCAL CRIMINAL RECORDS

4 SEC. 502. (a) Section 9101 of title 5, United States
5 Code, is amended:

6 (1) in paragraph (1) of subsection (b) by striking out
7 "or" after "Office of Personnel Management" and by insert-
8 ing ", or the Federal Bureau of Investigation" after "the
9 Central Intelligence Agency;"

10 (2) in subparagraph (3)(A) of subsection (b) by striking
11 out "or" after "Office of Personnel Management" and by in-
12 serting ", or the Federal Bureau of Investigation" after "the
13 Central Intelligence Agency;"

14 (3) in subparagraph (3)(B) of subsection (b) by striking
15 out "or" after "Office of Personnel Management" and by in-
16 serting ", or the Federal Bureau of Investigation" after "the
17 Central Intelligence Agency;" and

18 (4) in subsection (c) by striking out "or" after "Office of
19 Personnel Management" and by inserting ", or the Federal
20 Bureau of Investigation" after "the Central Intelligence
21 Agency."

22 (b) Section 803(a) of title 8 of the Intelligence Authori-
23 zation Act for fiscal year 1986 is amended by striking out
24 "and" after "the Office of Personnel Management" and by
25 inserting ", and the Federal Bureau of Investigation" after
26 "the Central Intelligence Agency".

1 (c) The amendments made by this section shall become
2 effective with respect to any inquiry which begins after the
3 date of enactment of this Act conducted by the Federal
4 Bureau of Investigation for purposes specified in paragraph
5 (b)(1) of section 9101 of title 5, United States Code.

6 ACCESS TO TELEPHONE TOLL RECORDS

7 SEC. 503. (a) Chapter 33 of title 28, United States
8 Code, is amended by adding at the end thereof the following
9 new section:

10 "§ 538. Access to telephone toll records

11 "(a) A communication common carrier shall comply
12 with a request for telephone subscriber information or toll
13 billing record information by the Federal Bureau of Investi-
14 gation when the Director of the Federal Bureau of Investiga-
15 tion (or the Director's designee) certifies in writing to the
16 communications common carrier that such information is
17 sought for foreign counterintelligence purposes and that there
18 are specific and articulable facts giving reason to believe that
19 the person or entity to whom the information sought pertains
20 is or may be a foreign power or an agent of a foreign power
21 as defined in section 101 of the Foreign Intelligence Surveil-
22 lance Act of 1978 (50 U.S.C. 1801).

23 "(b) The Federal Bureau of Investigation may dissemi-
24 nate information obtained pursuant to this section only as
25 provided in guidelines approved by the Attorney General for
26 foreign intelligence collection and foreign counterintelligence

1 investigations conducted by the Federal Bureau of Investiga-
 2 tion, and, with respect to dissemination to an agency of the
 3 United States, only if such information is clearly relevant to
 4 the authorized responsibilities of such agency.

5 “(c) On a semiannual basis the Director of the Federal
 6 Bureau of Investigation shall fully inform the Permanent
 7 Select Committee on Intelligence of the House of Represent-
 8 atives and the Select Committee on Intelligence of the
 9 Senate concerning all requests made pursuant to this section.

10 “(d) No communications common carrier, or officer, em-
 11 ployee, or agent thereof, shall disclose to any person that the
 12 Federal Bureau of Investigation has sought or obtained
 13 access to telephone subscriber information or toll billing
 14 record information under this section.”

15 (b) The table of contents for chapter 33 of title 28,
 16 United States Code, is amended by adding at the end thereof
 17 the following:

“538. Access to Telephone Toll Records”

18 **TITLE VI—PROTECTION OF UNITED STATES**

19 **INTERESTS**

20 **FOREIGN MISSIONS ACT AMENDMENT**

21 **SEC. 601.** Section 202(a)(4) of the State Department
 22 Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(4)) is
 23 amended to read as follows:

24 “(4) ‘foreign mission’ means any mission to or
 25 agency or entity in the United States which is involved

1 in the diplomatic, consular, or other activities of, or
2 which is substantially owned or effectively controlled
3 by—

4 “(A) a foreign government, or

5 “(B) an organization (other than an interna-
6 tional organization, as defined in section 209(b) of
7 this title) representing a territory or political
8 entity which has been granted diplomatic or other
9 official privileges and immunities under the laws
10 of the United States or which engages in some
11 aspect of the conduct of the international affairs of
12 such territory or political entity,

13 including any real property of such a mission and including
14 the personnel of such a mission;”.

15 SOVIET MISSION AT THE UNITED NATIONS

16 SEC. 602. (a)(1) It is the policy of the Congress that the
17 number of nationals of the Soviet Union admitted to the
18 United States to serve as members of the Soviet mission at
19 the United Nations headquarters shall not substantially
20 exceed the number of United States nationals who serve as
21 members of the United States mission at the United Nations
22 headquarters, unless the President determines that the ad-
23 mission to the United States of additional Soviet nationals to
24 serve as members of the Soviet mission at the United Nations
25 headquarters would be in the interest of the United States.

1 (2) Beginning six months after the date of enactment of
2 this section, and every six months thereafter, the Secretary of
3 State shall prepare and transmit to the Committee on For-
4 eign Relations and the Select Committee on Intelligence of
5 the Senate and to the Committee on Foreign Affairs and the
6 Permanent Select Committee on Intelligence of the House of
7 Representatives a report setting forth the number of Soviet
8 nationals admitted during the preceding six-month period to
9 the United States pursuant to a determination of the Presi-
10 dent under paragraph (1) and their duties with the Soviet
11 mission at the United Nations headquarters.

12 (3) Nothing in this subsection may be construed as in-
13 cluding any dependent or spouse who is not a member of a
14 mission at the United Nations headquarters in the calculation
15 of the number of members of a mission at the United Nations
16 headquarters.

17 (b) It is the sense of the Congress that the Secretary of
18 State and the Attorney General should, not later than six
19 months after the date of enactment of this section, prepare
20 and transmit to the Committee on Foreign Relations and the
21 Select Committee on Intelligence of the Senate and to the
22 Committee on Foreign Affairs and the Permanent Select
23 Committee on Intelligence of the House of Representatives a
24 report setting forth a plan for ensuring that the number of

1 Soviet nationals described in paragraph (a)(1) does not exceed
2 the limitation described in that paragraph.

3 (c) For purposes of this section—

4 (1) the term “members of the Soviet mission” and
5 “members of the United States mission” are used
6 within the meaning of the term “members of the mis-
7 sion”, as defined by article 1(b) of the Vienna Conven-
8 tion on Diplomatic Relations, done April 18, 1961; and

9 (2) the term “mission at the United Nations head-
10 quarters” of a country includes all the missions of such
11 country to the United Nations in New York City and
12 includes missions in New York City to specialized
13 agencies of the United Nations, as defined in article 57
14 of the charter of the United Nations.

15 REGISTRATION OF AGENTS OF CERTAIN FOREIGN

16 GOVERNMENTS

17 SEC. 603. Section 951 of title 18, United States Code,
18 is amended by adding at the end thereof the following new
19 subsection:

20 “(e) Notwithstanding paragraph (d)(4), any person en-
21 gaged in a legal commercial transaction shall be considered
22 to be an agent of a foreign government for purposes of this
23 section if—

24 “(1) such person agrees to operate within the
25 United States subject to the direction or control of a
26 foreign government or official; and

1 “(2) such person—

2 “(A) is an agent of the Soviet Union, the
3 German Democratic Republic, Hungary, Czecho-
4 slovakia, Poland, Bulgaria, Romania, or Cuba,
5 unless the Attorney General, after consultation
6 with the Secretary of State, determines and so re-
7 ports to the Congress that the national security or
8 foreign policy interests of the United States re-
9 quire that the provisions of this section do not
10 apply in specific circumstances to agents of such
11 country; or

12 “(B) has been convicted of, or has entered a
13 plea of nolo contendere with respect to, any of-
14 fense under section 792 through 799, 831, or
15 2381 of this title or under section 11 of the
16 Export Administration Act of 1979, or is the em-
17 ployer of such person, except that the provisions
18 of this section shall not apply to a person or em-
19 ployer described in this clause for a period of
20 more than five years beginning on the date of the
21 conviction or the date of entry of the plea of nolo
22 contendere, as the case may be.”.

1 **TITLE VII—GENERAL PROVISIONS**

2 **AUTHORITY FOR THE CONDUCT OF INTELLIGENCE**

3 **ACTIVITIES**

4 **SEC. 701.** The authorization of appropriations by this
5 Act shall not be deemed to constitute authority for the con-
6 duct of any intelligence activity which is not otherwise au-
7 thorized by the Constitution or laws of the United States.

8 **INCREASES IN COMPENSATION AND BENEFITS**

9 **AUTHORIZED BY LAW**

10 **SEC. 702.** Appropriations authorized by this Act for
11 salary, pay, retirement, and other benefits for Federal em-
12 ployees may be increased by such additional or supplemental
13 amounts as may be necessary for increases in such compensa-
14 tion or benefits authorized by law.

○