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____ CONGRESS

____ SESSION

S. RES. _____

(Note.—Fill in all blank lines except those provided for the date, number, and reference of resolution.)

Filed:
481
Supplemental
482 SSC

IN THE SENATE OF THE UNITED STATES

DP-61103

Mr. Wallop (for Mr. Goldwater), from the Select Committee on Intelligence, _____

submitted the following ^{original} resolution; which was _____

RESOLUTION

Waiving section 402(a) of the Congressional Budget Act of 1974 with respect to consideration of Title IV of S. _____, which authorizes supplemental appropriations for fiscal year 1981 for intelligence activities of the United States. (Insert title of resolution here)

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of Title IV of S. _____, which authorizes supplemental appropriations for fiscal year 1981 for intelligence activities of the United States.

Such a waiver is necessary because Title IV of S. _____ authorizes supplemental appropriations for fiscal year 1981. Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by May 15, 1980, because the amount of supplemental appropriations for the fiscal year 1981 which is necessary for intelligence activities of the United States was not known at that time.

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Calendar No. ___

97th CONGRESS
1st Session

S. _____

[Report No. 97-___]

4482
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IN THE SENATE OF THE UNITED STATES

May , 1981

Mr. Wallop (for Mr. Goldwater), from the Select Committee on Intelligence, reported the following bill; which was read twice and placed on the calendar -----

A BILL

To authorize appropriations for the fiscal year 1982 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and to provide certain personnel management authorities for the Defense Intelligence Agency, and for other purposes.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled, That
3 titles I through V of this Act may be cited as the
4 "Intelligence Authorization Act for Fiscal Year 1982".

5 TITLE I--INTELLIGENCE ACTIVITIES

6 AUTHORIZATION OF APPROPRIATIONS

7 Sec. 101. (a) Funds are authorized to be appropriated for
8 the fiscal year 1982 for the conduct of intelligence
9 activities of the following departments, agencies, and other
10 elements of the United States Government:

11 (1) The Central Intelligence Agency and the Director
12 of Central Intelligence.

13 (2) The Department of Defense.

14 (3) The Defense Intelligence Agency.

15 (4) The National Security Agency.

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1 (5) The Department of the Army, the Department of the
2 Navy, and the Department of the Air Force.

(6) The Department of State.

4 (7) The Department of the Treasury.

5 (8) The Department of Energy.

6 (9) The Federal Bureau of Investigation.

7 (10) The Drug Enforcement Administration.

8 (b) The amounts authorized to be appropriated under this
9 Act for the conduct of the intelligence activities of the
10 agencies listed in subsection (a) are those listed in the
11 classified Schedule of Authorizations for the fiscal year
12 1982 prepared by the Select Committee on Intelligence of the
13 Senate. Such Schedule of Authorizations shall be made
14 available to the Committee on Appropriations of the Senate
15 and the House of Representatives and to the President. The
16 President shall provide for suitable distribution of the
17 Schedule, or of appropriate portions of the Schedule, within
18 the executive branch.

19 (c) Authorizations of appropriations provided in this
20 Act, shall not be deemed to constitute authority for the
21 conduct of any intelligence activity which is not otherwise
22 authorized by the Constitution or laws of the United States.

23 TITLE II--INTELLIGENCE COMMUNITY STAFF

24 AUTHORIZATION OF APPROPRIATIONS; PERSONNEL

25 Sec. 201. (a) There are authorized to be appropriated for
26 the Intelligence Community Staff for the fiscal year 1982,
27 \$15,400,000.

28 (b) The Intelligence Community Staff is authorized two
29 hundred and forty-five full-time personnel as of September
30 30, 1982. Such personnel may be permanent employees of the
31 Intelligence Community Staff or personnel detailed from other
32 elements of the United States Government.

33 (c) Any employee who is detailed to the Intelligence
34 Community Staff from another element of the United States

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1 Government shall be detailed on a reimbursable basis, except
 2 that an employee may be detailed on a nonreimbursable basis
 3 for a period of less than one year for the performance of
 4 temporary duties as required by the Director of Central
 5 Intelligence.

6 (d) Except as provided in subsections (b) and (c), the
 7 activities and personnel of the Intelligence Community Staff
 8 shall be administered by the Director of Central Intelligence
 9 in accordance with the provisions of the National Security
 10 Act of 1947 (50 U.S.C. 401 et seq.) and the Central
 11 Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.).

12 TITLE III--CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 13 DISABILITY SYSTEM

14 AUTHORIZATION OF APPROPRIATIONS

15 Sec. 301. There are authorized to be appropriated for the
 16 Central Intelligence Agency Retirement and Disability Fund
 17 for the fiscal year 1982, \$84,600,000.

18 TITLE IV--SUPPLEMENTAL AUTHORIZATION FOR THE FISCAL YEAR 1981

19 SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

20 Sec. 401. In addition to funds authorized to be
 21 appropriated for the fiscal year 1981 for the conduct of
 22 intelligence activities of the United States Government,
 23 there are authorized to be appropriated supplemental funds
 24 for such fiscal year for such purpose. The amounts authorized
 25 to be appropriated under this title are those listed in the
 26 classified Schedule of Supplemental Authorizations for the
 27 fiscal year 1981 prepared by the Select Committee on
 28 Intelligence of the Senate.

29 TITLE V--GENERAL PROVISIONS

30 INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

31 Sec. 501. Appropriations authorized by this Act for
 32 salary, pay, retirement, and other benefits for Federal
 33 employees, may be increased by such additional or
 34 supplemental amounts as may be necessary for increases in

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1 such benefits authorized by law.

2 ADVISORY COMMITTEES AND PERSONNEL

3 Sec. 502. (a) The last sentence of section 303 (a) of the
4 National Security Act of 1947 (50 U.S.C. 405 (a)) is amended
5 by striking out "at a rate not to exceed \$50 for each day of
6 service" and inserting in lieu thereof the following: "for
7 each day of service at a rate not to exceed the daily
8 equivalent of the rate of pay in effect for grade GS-18 under
9 the General Schedule established by section 5332 of title 5,
10 United States Code".

11 (b) Section 303 (b) of the National Security Act of 1947
12 (50 U.S.C. 405 (b)) is amended by striking out "281, 283, or
13 284" and inserting in lieu thereof "203, 205, or 207".

14 FIREARMS AUTHORITY

15 Sec. 503. Section 5 (d) of the Central Intelligence
16 Agency Act of 1949 (50 U.S.C. 403f (d)) is amended to read as
17 follows:

18 "(d) Authorize personnel designated by the Director to
19 carry firearms to the extent necessary for the performance of
20 the Agency's authorized functions, including but not limited
21 to the protection of classified materials and information,
22 the training of Agency personnel in the use of firearms, the
23 maintenance of security of Agency installations and property,
24 and the protection of Agency personnel and of defectors,
25 their families, and other persons in the United States under
26 Agency auspices; and".

27 UNAUTHORIZED USE OF CENTRAL INTELLIGENCE AGENCY NAME,
28 INITIALS, OR SEAL

29 Sec. 504. The Central Intelligence Agency Act of 1949 (50
30 U.S.C. 403a et seq.) is amended by adding at the end thereof
31 the following new section:

32 "MISUSE OF AGENCY NAME, INITIALS, OR SEAL

33 "Sec. 13. (a) No person shall, except with the written
34 permission of the Director, knowingly use the words 'Central

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1 Intelligence Agency', the initials 'C.I.A.', the seal of the
2 Central Intelligence Agency, or any colorable imitation of
3 such words, initials, or seal in connection with any
4 merchandise, impersonation, solicitation, or commercial
5 activity in a manner reasonably calculated to convey the
6 impression that such use is approved, endorsed, or authorized
7 by the Central Intelligence Agency.

8 "(b) Whenever it shall appear to the Attorney General
9 that any person is engaged or about to engage in any acts or
10 practices which constitute or will constitute conduct
11 prohibited by subsection (a), the Attorney General may
12 initiate a civil proceeding in a district court of the United
13 States to enjoin any such acts or practices. Such court shall
14 proceed as soon as practicable to the hearing and
15 determination of such action, and may, at any time before
16 final determination, enter such restraining orders or
17 prohibitions, or take such other action as is warranted, to
18 prevent injury to the United States or to any person or class
19 of persons for whose protection the action is brought. A
20 proceeding under this section shall be governed by the
21 Federal Rules of Civil Procedure."

22 CENTRAL INTELLIGENCE AGENCY PERSONNEL ALLOWANCES, BENEFITS,
23 AND TRAVEL

24 Sec. 505. (a) The Director of Central Intelligence is
25 authorized to pay to Central Intelligence Agency officers,
26 employees, detailees, and assignees, and their dependents,
27 allowances and benefits authorized by chapter 9 of the
28 Foreign Service Act of 1980 and other allowances and benefits
29 granted by any other provision of law to the Foreign Service.
30 The Director of Central Intelligence may pay additional
31 allowances and benefits, whether or not authorized under any
32 other provision of law, as may be necessary to meet the
33 special requirements of work related to intelligence
34 activities.

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1 (b) Notwithstanding any other provision of law, the
 2 Director of Central Intelligence may prescribe regulations
 3 authorizing the travel of Central Intelligence Agency
 4 officers, employees, assignees, and detailees engaged in the
 5 performance of intelligence functions. Such regulations shall
 6 reflect the requirements of the Agency not taken into account
 7 in the formulation of Government-wide procedures and shall
 8 provide for payment for such travel.

9 NATIONAL SECURITY AGENCY PERSONNEL ALLOWANCES AND BENEFITS

10 Sec. 506. Paragraph (1) of section 9 (b) of the National
 11 Security Agency Act of 1959 (50 U.S.C. 402 note) is amended
 12 by striking out "paragraphs" and all that follows and
 13 inserting in lieu thereof the following: "chapter 9 of the
 14 Foreign Service Act of 1980 or under any other provision of
 15 law applicable to the Foreign Service, or by the Director of
 16 Central Intelligence to personnel serving in similar
 17 circumstances; and".

18 UNAUTHORIZED USE OF NATIONAL SECURITY AGENCY NAME, INITIALS,

19 OR SEAL

20 Sec. 507. The National Security Agency Act of 1959 is
 21 amended by adding at the end thereof the following new
 22 section:

23 "MISUSE OF AGENCY NAME, INITIALS, OR SEAL

24 "Sec. 12. (a) No person shall, except with the written
 25 permission of the Director of the National Security Agency,
 26 knowingly use the words 'National Security Agency', the
 27 initials 'N.S.A.', the seal of the National Security Agency,
 28 or any colorable imitation of such words, initials, or seal
 29 in connection with any merchandise, impersonation,
 30 solicitation, or commercial activity in a manner reasonably
 31 calculated to convey the impression that such use is
 32 approved, endorsed, or authorized by the National Security
 33 Agency.

34 "(b) whenever it shall appear to the Attorney General

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1 that any person is engaged or about to engage in any acts or
 2 practices which constitute or will constitute conduct
 3 prohibited by subsection (a), the Attorney General may
 4 initiate a civil proceeding in a district court of the United
 5 States to enjoin any such acts or practices. Such court shall
 6 proceed as soon as practicable to the hearing and
 7 determination of such action, enter such restraining orders
 8 or prohibitions, or take such other action as is warranted,
 9 to prevent injury to the United States or to any person or
 10 class of persons for whose protection the action is brought.
 11 A proceeding under this section shall be governed by the
 12 Federal Rules of Civil Procedure."

13 CRYPTOLOGIC LINGUIST TRAINING

14 Sec. 508. Section 10 of the National Security Agency Act
 15 of 1959 is amended by redesignating the present section 10 as
 16 section 10 (a) and by adding at the end thereof the following
 17 new subsection:

18 "(b) Notwithstanding the provisions of chapter 41 of
 19 title 5, United States Code, the Director of the National
 20 Security Agency, on behalf of the Secretary of Defense, shall
 21 arrange for appropriate language and related training of
 22 military and civilian cryptologic personnel. In the exercise
 23 of this function, the Director may--

24 "(1) provide for the training and instruction to be
 25 furnished, including functional and geographic area
 26 specializations;

27 "(2) arrange for training and instruction with other
 28 Government agencies and at nongovernmental institutions
 29 that furnish training and instruction useful in the
 30 fields of language and foreign affairs;

31 "(3) support, through contracts, grants, cooperation
 32 with educational institutions, or through other means,
 33 programs that furnish necessary language and language-
 34 related skills;

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1 “(4) obtain without regard to the Service Contract
2 Act of 1965, by appointment or contract (subject to the
3 availability of appropriations), the services of
4 individuals as language instructors, linguists, or
5 special project personnel. An individual whose services
6 are obtained by contract shall be considered an employee
7 for purposes of subchapter III of chapter 83 of title 5
8 if such individual gives notice in writing to the
9 National Security Agency of a desire to become subject to
10 such subchapter and, consistent with section 8332 (K) (2)
11 of such title, deposits an amount equal to retirement
12 deductions representing any period in which the
13 individual was previously so employed by the National
14 Security Agency. A contractor or contractor's employee
15 engaged under this provision may not be provided access
16 to classified information, as defined in section 304 of
17 the Internal Security Act of 1950 (50 U.S.C. 834), unless
18 such individual meets the standards contained in such
19 Act;

20 “(5) pay all or part of the tuition and other
21 expenses related to the training of current and former
22 military and civilian cryptologic personnel who are
23 assigned or detailed for language and related training,
24 orientation, or instruction;

25 “(6) pay benefits and allowances to current
26 personnel and former military and civilian cryptologic
27 personnel or other individuals in the cryptologic
28 linguist reserve assigned to training at sites away from
29 their normal duty station, in accordance with chapters 57
30 and 59 of title 5, United States Code;

31 “(7) provide without regard to subchapter IV of
32 chapter 55 of title 5, United States Code, special
33 monetary or other incentives to encourage civilian
34 cryptologic personnel to acquire or retain proficiency in

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1 foreign languages or special related abilities needed by
 2 the National Security Agency, including special monetary
 3 incentives to former or retired civilian employees and
 4 military cryptologic personnel or other qualified
 5 individuals who agree to retain proficiency in such
 6 languages or abilities and to return to active civilian
 7 service with the National Security Agency during periods
 8 of emergency need as determined by the Director;

9 "(8) provide to family members of military and
 10 civilian cryptologic personnel, in anticipation of their
 11 assignment abroad or while abroad, appropriate
 12 orientation and language training, including the payment
 13 of the expenses of tuition or other necessary costs of
 14 instruction at a public or private institution in the
 15 United States or abroad (in the case of individuals
 16 abroad), if such instruction is directly related to the
 17 assignment abroad;

18 "(9) obtain an agreement from (A) current employees
 19 pertaining to continuation of service and repayment of
 20 such training that is consistent with the provisions of
 21 section 4108 of title 5, United States Code, and (B)
 22 former or retired employees pertaining to repayment of
 23 expenses of such training and return to service when
 24 requested; and

25 "(10) waive in whole or in part a right of recovery
 26 under paragraph (9), if it is shown that the recovery
 27 would be against equity and in good conscience or against
 28 the public interest."

29 ADMINISTRATIVE PROVISIONS RELATING TO THE FEDERAL BUREAU OF
 30 INVESTIGATION

31 Sec. 529. (a) Chapter 33 of title 28, United States Code,
 32 is amended by adding at the end thereof the following new
 33 section:

34 "§ 538. Special authorities for foreign intelligence and

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foreign counterintelligence

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2 “(a) Notwithstanding any other provision of law, for the
3 purpose of collecting foreign intelligence and foreign
4 counterintelligence authorized by law and pursuant to
5 procedures established by the Attorney General, the Federal
6 Bureau of Investigation, in a manner which conceals its
7 identity or role if public knowledge that the Government is
8 involved in the activity could reasonably be expected to
9 inhibit or otherwise interfere with collecting such
10 intelligence or counterintelligence, is authorized to--

11 “(1) lease, rent, or otherwise contract for real
12 property, personal property, and personal services within
13 the United States, the District of Columbia, and the
14 territories and possessions of the United States;

15 “(2) purchase property, buildings, or other
16 facilities and construct or alter such property,
17 buildings, or facilities as may be necessary;

18 “(3) establish or acquire proprietary corporations
19 or other business entities to engage in any activity
20 which may be engaged in by the Federal Bureau of
21 Investigation, including all activities described in this
22 section, and operate such corporations and entities on a
23 commercial basis;

24 “(4) use the proceeds generated by an activity
25 authorized by this section to offset necessary and
26 reasonable expenses incurred in such activity, with any
27 remaining balance to be deposited in the Treasury of the
28 United States as miscellaneous receipts upon the
29 completion of the activity or sooner if the same can be
30 accomplished without risk of compromising the activity;
31 and

32 “(5) deposit appropriated funds and proceeds derived
33 from an activity authorized by this section in banks or
34 other financial institutions.

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1 “(b) Whenever a corporation or other business entity
 2 which was established or acquired pursuant to paragraph (3)
 3 of subsection (a) and which has a net value in excess of
 4 \$150,000 is to be liquidated, sold, or otherwise disposed of,
 5 the Federal Bureau of Investigation, as much in advance as
 6 the Director or his designee shall determine is practicable,
 7 shall report the circumstances of the intended liquidation,
 8 sale, or other disposition to the Attorney General and to the
 9 Permanent Select Committee on Intelligence of the House of
 10 Representatives and the Select Committee on Intelligence of
 11 the Senate. The proceeds from the liquidation, sale, or other
 12 disposition, after all obligations and costs of such
 13 corporation or entity have been met, shall be deposited in
 14 the Treasury of the United States as miscellaneous receipts.

15 “(c) This section shall not be modified or superseded by
 16 any provision of law enacted after the date of enactment of
 17 this section unless such provision expressly modifies or
 18 supersedes this section.”.

19 (b) The table of sections for chapter 33 of title 28,
 20 United States Code, is amended by adding at the end thereof
 21 the following new item:

“538. Special authorities for foreign intelligence and
 foreign counterintelligence.”.

22 PROTECTION OF INTELLIGENCE PERSONNEL

23 Sec. 510. (a) Section 1114 of title 18, United States
 24 Code, is amended--

25 (1) by inserting “or attempts to kill” after

26 “kills”;

27 (2) by striking out “while engaged in the
 28 performance of his official duties, or on account of the
 29 performance of his official duties,” and inserting in
 30 lieu thereof “or any officer or employee of any
 31 department or agency within the Intelligence Community
 32 (as defined in section 4-207 of Executive Order 12036,
 33 January 24, 1978, or successor orders), not already

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covered under the terms of this section,"; and

(3) by inserting before the period at the end thereof a comma and the following: "except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

(b) Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§ 1118. Murder, manslaughter, assaults, threats, extortion, or kidnapping of persons given entry into the United States for permanent residence pursuant to section 7 of the Central Intelligence Act of 1949

(a) Whoever kills or attempts to kill a person given entry into the United States for permanent residence pursuant to the provisions of section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403h) shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

(b) Whoever engages in conduct proscribed by section 112, 878, or 1201 of this title against any person described in subsection (a) shall be punished as provided under those sections."

(c) Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§ 1119. Murder, manslaughter, assaults, threats, extortion, or kidnapping of persons present in the United States under intelligence auspices

(a) whoever kills or attempts to kill a person certified by the Director of Central Intelligence or his

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1 designee to be present in the United States under the
 2 auspices of any department or agency within the Intelligence
 3 Community (as defined in section 4-207 of Executive Order
 4 12036, January 24, 1978, or successor orders) shall be
 5 punished as provided under sections 1111, 1112, and 1113 of
 6 this title, except that any such person who is found guilty
 7 of murder in the first degree shall be sentenced to
 8 imprisonment for life, and any such person who is found
 9 guilty of attempted murder shall be imprisoned for not more
 10 than twenty years.

11 "(b) Whoever engages in conduct proscribed by section
 12 112, 878, or 1201 of this title against any person described
 13 in subsection (a) shall be punished as provided under those
 14 sections."

15 (d) The table of sections for chapter 51 of title 18,
 16 United States Code, is amended by adding at the end thereof
 17 the following new items:

"1118. Murder, manslaughter, assaults, threats, extortion,
 or kidnapping of persons given entry into the
 United States for permanent residence pursuant to
 section 7 of the Central Intelligence Agency Act of
 1949.

"1119. Murder, manslaughter, assaults, threats, extortion,
 or kidnapping of persons present in the United
 States under intelligence auspices."

18 TITLE VI--DEFENSE INTELLIGENCE AGENCY PERSONNEL MANAGEMENT

19 PROVISIONS

20 SHORT TITLE

21 Sec. 601. This title may be cited as the "Defense
 22 Intelligence Agency Personnel Management Act of 1981".

23 CIVILIAN PERSONNEL MANAGEMENT

24 Sec. 602. (a) Chapter 81 of title 10, United States Code,
 25 is amended by inserting the following new section after
 26 section 1586:

27 "§ 1587. Civilian personnel management in the Defense

28 Intelligence Agency

29 "(a) (1) The Secretary of Defense (or his designee) may,
 30 without regard to the provisions of title 5 relating to the

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1 establishment of (and appointment to) positions in the civil
2 service--

3 "(A) establish such positions for civilian officers
4 and employees in the Defense Intelligence Agency as may
5 be necessary to carry out the functions of such Agency,
6 and

7 "(B) appoint individuals to such positions.

8 "(2) The Secretary of Defense (or his designee) shall
9 fix the rates of basic pay for positions established under
10 paragraph (1) in relation to the rates of basic pay contained
11 in the General Schedule under section 5332 of title 5, for
12 positions subject to such Schedule which have corresponding
13 levels of duties and responsibilities. Except for positions
14 in the Senior Defense Intelligence Executive Service, no

15 officer or employee of the Defense Intelligence Agency may be
16 paid basic compensation at a rate in excess of the highest
17 rate of basic pay contained in such General Schedule.

18 "(b) (1) Notwithstanding subsection (a), the Secretary
19 of Defense (or his designee) may establish a Senior Defense
20 Intelligence Executive Service in the Defense Intelligence
21 Agency comparable to the Senior Executive Service established
22 under subchapter II of chapter 31 of title 5. The Secretary
23 of Defense (or his designee) may--

24 "(A) adopt administratively those provisions of
25 title 5 that are necessary to administer the Senior
26 Defense Intelligence Executive Service,

27 "(B) appoint individuals to positions established
28 within the Senior Defense Intelligence Service, and

29 "(C) notwithstanding any limitation on compensation,
30 pay individuals so appointed according to the pay
31 prescribed by title 5 for the Senior Executive Service.

32 Any provisions so adopted shall be subject to the same
33 limitations imposed by the comparable provisions of title 5,
34 including the limitation on aggregate pay under section 5383

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1 (b) of such title.

2 “(2) (A) The Secretary of Defense (or his designee) may
3 establish not more than 27 positions (and appoint individuals
4 thereto) in the Senior Defense Intelligence Executive
5 Service.

6 “(B) In addition to the positions established under
7 subparagraph (A), the Secretary of Defense (or his designee)
8 may establish and appoint individuals in the Defense
9 Intelligence Agency to--

10 “(i) professional engineering and scientific
11 positions primarily concerned with research, evaluation,
12 and development activities; and

13 “(ii) professional positions in the physical and
14 natural sciences, medicine, and military intelligence.

15 Such positions shall be in the Senior Defense Intelligence
16 Executive Service.

17 “(3) (A) (i) During any fiscal year, the President,
18 based on the recommendation of the Secretary of Defense may,
19 subject to clause (ii) and subparagraph (B), award to any
20 Senior Defense Intelligence Executive Service appointee the
21 rank of--

22 “(I) Meritorious Defense Intelligence Executive for
23 sustained accomplishment, or

24 “(II) Distinguished Defense Intelligence Executive
25 for sustained extraordinary accomplishment.

26 “(ii) A Senior Defense Intelligence Executive Service
27 appointee awarded a rank under subclause (I) or (II) of
28 clause (i) shall not be entitled to be awarded that rank
29 during the following four fiscal years.

30 “(B) During any fiscal year--

31 “(1) the number of Senior Defense Intelligence
32 Executive Service appointees awarded the rank of
33 Meritorious Defense Intelligence Executive may not exceed
34 5 per centum of the Senior Defense Intelligence Executive

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1 Service; and

2 “(ii) not more than one Senior Defense Intelligence
3 Executive Service appointee or 1 per centum of all Senior
4 Defense Intelligence Executive Service appointees,
5 whichever is greater, may be awarded the rank of
6 Distinguished Defense Intelligence Executive.”

7 “(C) (1) A Senior Defense Intelligence Executive Service
8 appointee who is awarded the rank of Meritorious Defense
9 Intelligence Executive or Distinguished Defense Intelligence
10 Executive shall receive a lump sum payment in the amount
11 specified in section 4507 (e) (1) or (2) of title 5,
12 respectively.

13 “(ii) Any award under this paragraph shall be in
14 addition to basic pay or any performance awards.

15 “(4) The Director of the Defense Intelligence Agency
16 may, in accordance with the provisions of section 3396 (c) of
17 title 5, grant a sabbatical to any Senior Defense
18 Intelligence Executive Service appointee.

19 “(5) Annual leave accrued by an individual while serving
20 in a Senior Defense Intelligence Executive Service position
21 shall not be subject to the limitations on accumulation
22 imposed by section 6304 of title 5.

23 “(6) The Director of the Defense Intelligence Agency
24 shall submit to the Permanent Select Committee on
25 Intelligence of the House of Representatives and the Select
26 Committee on Intelligence of the Senate at the time the
27 Budget is submitted by the President to the Congress during
28 each odd-numbered calendar year, a report on the Senior
29 Defense Intelligence Executive Service. Such report shall
30 include--

31 “(A) the percentage of senior executives at each pay
32 rate employed at the end of the preceding fiscal year;

33 “(B) the number, distribution, and amount of
34 performance awards paid during the preceding fiscal year;

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1 and

2 "(C) the number of individuals removed from the
3 Senior Defense Intelligence Executive Service for less
4 than fully successful performance.

5 "(c) The Secretary of Defense (or his designee) is
6 authorized, consistent with section 5341 of title 5, to adopt
7 such provisions of such title as provide for prevailing rate
8 systems of basic compensation for positions in or under which
9 the Defense Intelligence Agency may employ prevailing rate
10 employees (within the meaning of section 5342 (2) (A) of such
11 title).

12 "(d) Officers and employees of the Defense Intelligence
13 Agency who are citizens or nationals of the United States may
14 be granted additional compensation, in accordance with
15 regulations prescribed by the Secretary of Defense, not in
16 excess of additional compensation authorized by section 5941
17 (a) of title 5 for employees whose rates of basic
18 compensation are fixed by statute.

19 "(e) Nothing in this section or any other law may be
20 construed to require the disclosure of the organization or
21 any function of the Defense Intelligence Agency, of any
22 information with respect to the activities thereof, or of the
23 names, titles, salaries, or number of the persons employed by
24 such Agency, except for that information required by the
25 Congress to accomplish normal authorization and appropriation
26 functions.

27 "(f) (1) Notwithstanding the personnel management laws
28 under title 5, or any other law, the Secretary of Defense
29 may, in his discretion, terminate the employment of any
30 civilian officer or employee of the Defense Intelligence
31 Agency whenever he deems such termination necessary or
32 advisable in the interests of the United States.

33 "(2) Any termination under this subsection shall not
34 affect the right of the officer or employee involved to seek

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1 or accept employment with any other department or agency of
 2 the United States if he is declared eligible for such
 3 employment by the Office of Personnel Management.

4 "(3) The Secretary of Defense may delegate authority
 5 under this subsection only to the Deputy Secretary of Defense
 6 and the Director of the Defense Intelligence Agency. An
 7 action to terminate any civilian officer or employee by
 8 either such officer shall be appealable to the Secretary of
 9 Defense."

10 (b) The table of sections for chapter 81 of title 10,
 11 United States Code, is amended by inserting after the item
 12 relating to section 1586 the following new item:

"1587. Civilian personnel management in the Defense
 Intelligence Agency."

13 EARLY RETIREMENT IN THE SENIOR DEFENSE INTELLIGENCE EXECUTIVE
 14 SERVICE

15 Sec. 603. (a) Section 8336 of title 5, United States
 16 Code, is amended by redesignating subsection (k) as
 17 subsection (l) and inserting immediately after subsection (j)
 18 the following new subsection:

19 "(k) A member of the Senior Defense Intelligence
 20 Executive Service who is removed from the Senior Defense
 21 Intelligence Executive Service for less than fully successful
 22 performance after completing 25 years of service or after
 23 becoming 50 years of age and completing 20 years of service
 24 is entitled to an annuity."

25 (b) Section 8339 (h) of title 5, United States Code, is
 26 amended by striking out "section 8336 (d), (h), or (j)" and
 27 inserting in lieu thereof "section 8336 (d), (h), (j), or
 28 (k)".

29 VETERANS PREFERENCE IN THE SENIOR DEFENSE INTELLIGENCE
 30 EXECUTIVE SERVICE

31 Sec. 604. Paragraph (3) of section 2108 of title 5,
 32 United States Code, is amended by inserting ", the Senior
 33 Defense Intelligence Executive Service," after "Senior

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19

1 Executive Service''.

2 TECHNICAL AND CONFORMING AMENDMENTS

3 Sec. 605. (a) Section 5102 (a) (1) of title 5, United
4 States Code, is amended--

5 (1) by striking out ``or'' at the end of clause
6 (viii);

7 (2) by inserting ``or'' at the end of clause (ix);

8 and

9 (3) by inserting the following new clause after
10 clause (ix):

11 ``(x) the Defense Intelligence Agency,
12 Department of Defense;''.

13 (b) Section 5342 (a) (1) of such title is amended--

14 (1) by striking out ``or'' at the end of subparagraph
15 (I);

16 (2) by inserting ``or'' at the end of subparagraph
17 (J); and

18 (3) by inserting the following new subparagraph after
19 subparagraph (J):

20 ``(K) the Defense Intelligence Agency, Department
21 of Defense;''.

22 (c) Section 7103 (a) (3) of such title is amended--

23 (1) by striking out ``or'' at the end of subparagraph
24 (F);

25 (2) by inserting ``or'' at the end of subparagraph
26 (G); and

27 (3) by inserting the following new subparagraph after
28 subparagraph (G):

29 ``(H) the Defense Intelligence Agency;''.

30 EFFECTIVE DATE

31 Sec. 606. The amendments made by this title shall take
32 effect on the first day of the first pay period which begins
33 after the 30th day following the date of the enactment of
34 this Act.