DCI/ICS 88-4205 14 January 1988

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IEMORANDUM F	OR:					
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Director of Logistics

FROM:

Director, Planning and Policy Office

SUBJECT:

Support for Congressionally Directed Study of Intelligence

Personnel Systems

REFERENCE:

Mmo to D/OL fr d/ICS, dtd 23 December 1987, Same Subject

- l. In the referenced memorandum, the Director of the Intelligence Community Staff provided background on the personnel management study required by the Fiscal Year 1988 Intelligence Authorization Act and asked for your assistance. As you will recall, Congress directed the DCI to contract with the National Academy of Public Administration (NAPA) to perform the study. The Study Steering Group has continued to discuss the NAPA effort informally with an officer from your procurement divison and is now ready to proceed with the study. Accordingly, it is requested that you formally issue a Request for Proposal to NAPA to begin the contracting process.
- 2. Excerpts from the Congressional Record and the Authorization Act Conference Report are attached (Attachment A) for additional information. Also attached (Attachment B) is a draft paper setting forth Terms of Reference for the study, which may be used as the basis for a Statement of Work. Given the tight deadlines specified by the Congress, this paper is provided in draft to speed the process; a final version is now being coordinated and will be forwarded to you next week. We realize that time is critical, but hope that the necessary steps can be taken in time to have NAPA under contract by the beginning of February 1988. This will be necessary if we are to meet the Congress's interim report schedule.
- 3. In the Authorization Act, Congress stipulated that not more than \$500,000 would be available for the study, taken from the funds available to the Intelligence Community Staff.

ADMINISTRATIVE - INTERNAL USE UNLY

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SUBJECT: Support for Congressionally Directed Study of Intelligence Personnel Systems

4.	Your	assiş	tance	is gr	eatly	appreci	ated.	If ,	you	have	any	questions,	
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A. 0	Congre	ssiona	ll Reco	ord an	d <u>Cont</u>	ference	Report	Exc	erpt	S			
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ADMINISTRATIVE - INTERNAL USE ONLY

SUBJECT: Support for Congressionally Directed Study of Intelligence
Personnel Systems

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ADMINISTRATIVE - INTERNAL USE ONLY

1007TH CONGRESS

181 Session

HOUSE OF REPRESENTATIVES

REPORT 100-432

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1988

NOVEMBER 10, 1987.—Ordered to be printed

Mr. Stokes, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R 2112]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2112) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1988."

TITLE 1—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1956 for the conduct of the intelligence and intelligence related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency
- (4) The National Security Agency.

15-(44

ecutive branch reports, but unnecessary to exempt DIA from either the Freedom of Information Act or the Privacy Act, since compliance with those statutes has not been a problem for DIA and because both statutes provide adequate protection for classified information.

TITLE VII—STUDY OF INTELLIGENCE PERSONNEL SYSTEMS SECTION 701

Section 701 of the conference report requires the Director of Central Intelligence to contract with the National Academy of Public Administration to perform an objective classified study of personnel management and compensation systems affecting civilian personnel of the United States intelligence community.

Section 601 of the House bill would have created a Commission on Intelligence Personnel Systems to review personnel recruitment, retention, management and compensation programs of the U.S. intelligence community. The commission would have been made up of three members, one appointed by the President, another by the Speaker of the House, and a third by the Majority Leader of the Senate. The House felt the Commission was necessary to provide a comprehensive review of current programs; assess the need for changes, especially those required by the unique circumstances of intelligence activities; and to present recommendations to the Congress for necessary changes after considering the potential inequities the proposed changes would create either among intelligence agencies or between the intelligence community and the Federal Civil Service. The Senate amendment had no comparable provision

The conference agreement provides for the conduct of the study that would have been required by the House bill except that under the conference agreement, the study shall be conducted by the National Academy of Public Administration (NAPA), an independent Federally-chartered institution with significant expertise in government management issues and an excellent reputation for objective, thorough study. The study will assess the ability of intelligence community activities to perform their current and future missions with existing or proposed personnel and compensation systems

The conference agreement directs the Director of Central Intelligence to contract with NAPA to conduct the study of intelligence personnel systems but it is the expectation of the conferees that the Director will consult with the intelligence committees in his negotiations to select a NAPA team to conduct the study and in the development of essential parameters of that study. The language of the conference agreement also provides that the Director of Central Intelligence, the Director of the Intelligence Community Staff, and all elements of the intelligence community must provide necessary support, including personnel, to the NAPA panel as well as access to all information relating to intelligence personnel and management issues. The conferees further urge the Director of Central Intelligence to ensure that members and staff of the NAPA panel are given every measure of cooperation and that security investigations and review necessary to provide clearances for them are given priority attention.

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PERSONNEL SYSTEMS

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lave created a Commission iew personnel recruitment, on programs of the U.S. inwould have been made up President, another by the he Majority Leader of the was necessary to provide a rams; assess the need for e unique circumstances of commendations to the Conering the potential inequieither among intelligence mmunity and the Federal d no comparable provision. r the conduct of the study ouse bill except that under ill be conducted by the Nan (NAPA), an independent ficant expertise in governat reputation for objective, the ability of intelligence irrent and future missions compensation systems.

Director of Central Intellithe study of intelligence
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conduct the study and in
s of that study. The lanprovides that the Director
the Intelligence Community
community must provide
o the NAPA panel as well
intelligence personnel and
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the study and that security inovide clearances for them

The NAPA study panel should be tasked with producing interim analytical reports before the required completion of the final report by January 20, 1989. The conferees believe that such interim reports, which should be provided on May 1 and August 1, 1988, could be useful to the intelligence committees and to the intelligence community. The conferees urge the Director to ensure that such interim reports particularly address an analysis of existing or proposed changes to personnel management and compensation systems aimed at recruiting or retaining individuals with skills critical to the various missions of the agencies and entities of the intelligence community. Among the skills of critical importance to a number of such intelligence entities are mathematics, computer science, engineering, and foreign languages.

The conferees are aware that some intelligence agencies may seek to institute changes in their personnel management and compensation programs during the period in which NAPA is conducting the intelligence personnel study. The conferees do not wish to discourage personnel management and compensation improvements implemented within the framework of current programs. However, the purpose of the study is to provide a baseline for a comprehensive review by the intelligence committees of all personnel needs of the intelligence agencies presented in a coherent and coordinated fashion. The conferees believe that significant, non-urgent changes in personnel management or compensation programs should be reviewed very carefully before they are implemented.

The conferees consider the authorized programs for fiscal year 1988 to include only those personnel management and compensation programs in effect at the time the budget was submitted and justified. Significant changes to those programs would be of special Congressional interest and would require submission to the intelligence committees for consideration under established reprogramming or transfer procedures. By "significant," the conferees mean departures from current personnel management or compensation structures. While the conferees do not intend to discourage needed change, they emphasize that any contemplated significant program change should be submitted well in advance of the date anticipated for implementation. Unless submitted as part of the annual fiscal year 1989 budget request, such proposals should be submitted at least 30 days prior to proposed implementation.

TITLE VIII—GENERAL PROVISIONS

SECTION 801

Section 801 of the conference report provides that the authorization of appropriations by the conference report 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. Section 801 of the conference report is identical to Section 701 of the House bill and of the Senate amendment.

CONGRESSIONAL RECORD - HOUSE

November 10, 19:5

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Add ter car ever threater our own health by teaching tead and cookies from plumbing systems that supply thinking water, causing the water to tail sale trinking standards

And ram a not just a Northeastern problem. nor as the problem that any one State can solve on its own Most of the sources of sold rain that talks in any State in the eastern half our country enginese councide that State Rain which is 5 to 10 times more acidic than normal & falling with increasing frequency in the Southeas and over in Western States Acid sain & obviously & mational problem which demands a national solution.

sky bil establishes or effective swu-phase mational response it add rain that are result in er annual emissions reduction of approximetely 10 million tors of sulfur dispose and roughly 3 millions tons of navogen exide

By January 1, 1994, the annual statewide average rate of emissions of suffix disorde coal-fired steam generating plants from cannot exceed 2 pounds per million Blu's of heat input By January 1, 1999, the annual statewide average rate of emissions for sulfur dioxide cannot exceed 1.2 pounds per million But's of heat input, in addition, by 1995, coatfined units must meet strict emission reduction standards for nitrogen oxide based on the plant's type of boliers.

White setting stringent emission standards. my proposal gives states the flexibility to achieve those reductions in the most cost-eltective manner to help prevent sharp price increases for consumers and utilities. The bill allows States to choose the emissions reducthon control technology used to meet the standards. States can revise their plans in the future in order to take advantage of the lower cost. more efficient clear coat technologies being developed

The legislation also permits emission trading between utilities within a State and on a regional basis as long as the reduction goals are met. This allows States to concentrate cheanup efforts where they can maximize the benefits while minimizing the costs.

My bill also encourages States to incorporate energy conservation into their control programs by establishing an alternative emissions beiling that credits conservation efforts

Meeting these standards will pose a challenge to utilities and industry to develop clean cost technology which can be retrofitted to existing plants. I am confident It is a challenge we can meet by working together.

The bit's phased approach of realistic deadlines, combined with maximum liexibility in meeting the standards, are designed to give utilities and industry time to develop promising new technologies so they can be used commercially

I am concerned that the early compliance dates included in other acid rain control bills

WIND DISCUST THE BEVOKENMENT OF FORESCO. Du cieur coa encresoropius forces, utilities to mate experience accurate a Trus would be a nowir amagni for all consumers would am the electricity rates puris diaminucate, utilities would have to disclose of the enominual amounts of solid waste generated and nero ger build emissions would be unbouched pinos acrubbers de not reduce this type of @THABID!

To help bring new technologies on lines as questy as possible on bl. diests the Depart ment of Energy to relucus as existing offier box! 4echnology reserve program toward overoping retrofittable technologies that car be used by the largest number of existing plants I believe there are several other public policy options we should explore, including providing tax moentives to the utility industry to develop commercially mable plean boat technology

My bill Jolious the environmentally sound poliuter-pays principle, imposing no new taxes on raispayers I strongly oppose efforts to tax of estriny customers on order to subsidize some Batepayers in states like New York. New Hampshire, Minnesota, Michigan, and Wisconsir are already paying higher utility bits because of their States' programs to contro! and rain. Ther utility tollic should not have to jump ever higher to subsidize deanup costs in other Stenes

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hellen, one of its clerks, anpounced that the Senate had passed without amendment a concurrent resclution of the House of the following title:

H. Och. Res. 215. Concurrent resolution providing for an adjournment of the House from November 10 to November 16, 1987.

CONFERENCE REPORT ON ELR. 2112

Mr. STOKES submitted the following conference report and statement on the bill (H.R. 2112) to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff Ior the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CORFERENCE REPORT (H. :REFT. 196-432

The committee of conference on the disservering votes of the 2000 Houses on the amendment of the Semate to the bill G.R. 2112) to authorize appropriations for fiscal year 1986 for intelligence and intelligencerelated activities of the United States Goieriment, for the Intelligence Community Staff, for the Oentral Intelligence Agency Recirement and Disability System, and for other purposes. Inving met, after full and free ponference, having agreed to recommend and de recommend to their respective Houses as follows:

That the House recede from his disagree ment to the amendment of the Senate and agree to five same with an amendment as follows

In the of the matter proposed to be in-

meter by the Bentate amendment time the Redirio Mil

Time this Are may be clied to the chief penie Authormation Ar. Para Year 1981 TITLE 1- INTELLIGENCE ACTIVITIES

ALTHURIZATION OF ALLE MILLATION.

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- 421 The Deportment o' Deferia
- 13: The Defense Intellipence Apriles
- 14: The Authoral Security Aprill
- The Department of the Arms Du De pertment of the Bery and Bu Dependent O! DV ATT FURCE
 - del The Department of State
 - 17) The Deportment of the Treasury
 - IEI The Department of Everys
 - 19: The Federal Bureau of Investigation 410) The Drug Enforcement Administra-

CLASSIFIED BOHEDULE OF AUTHOLIZATION

Sec. 102 Janj Tau Act authorizes funds for intelligence und intelligence related acti witter of the United States Government for fiscal year 1968 based upon two alternative levels of any budget authority provided for national actense functions (budget function 050) Utrough congressional budget procedures In section 3'bi(1) of the concurrent resolution on the budget for fiscal year 1988 Thouse Concurrent Resolution Bs of the One Hundredth Congress Congress devermined and declared that the appropriate lene of new budget authority for national defense for fuscal year 1988 to \$296.000.000.000 Thu Act authorizes funds based upon that determinution and deciaration and the assump tion that that level of budget cuttonts w encilable to be eppropriated

(2) Section 5(c)(1) of the concurrent resobution reserved \$7.000.000.000 of the! amount from exculability for appropriation pending enactured of certain vericit reduc tion legislation, leaving a level of \$289.000.000.000 immediately available for appropriation The Act authorizes aliente. tive levels of funds based upon the budget

cuthomity emount the The amounts authorized to be appropricted under section 101, and the cutherned personnel ceiting at o' September 30 1988, for the conduct of the intelligence end intellipence-related activities of the elements hated in such section, are those specified an the column entitled "Conference Agreeven! of the classified Schedule of Authorizations prepared in the committee of conference to accompany H.P. 2112 of the One Hundreit. Congress except that if as of the date of the enactment of this Art there has not been enacted depisiation that results in the arciability for appropriamon of a level & new budget authority for national defense functions of the Government fluidoct function 950) for fiscal year 1988 in an amount greater than \$285.000.000.000 then until such beg islation is enacted such amounts and seilings are those specified in the poleme enti-"Continuent Level" of such chambed Schedule of Authorizations, Provider That noticitie in all my the proprietaments of section. 502/al(1) of the National Security Act of 1947, funde for the activities listed in that pari at such Schedule entitled "Uncultion ized Appropriations" may be obligated and expended only to the extent to which funds are appropriated therefore in fueca' pec-

1981

11 The Billedow of Astronochura de ormine to entertion. It's well be much evertable to the Committees or appropriate BRITH O' DI BITION BAE HOW O' ACTITATE! etites and & Dr Frenami: The President shall promot for secretili distribution of bir Achedule of alephophal portions of bu Schoole within the Executive Smach

101111 It to the prace of Congress that to allocating projections of non-heudomorters personnel al Delenia Agencias pursuant di Bulinection. 1611211A and Bubbection. 16 6' Arction. 801 of Public Law 86-423 1201 Stat 2060). Die Bertelam of Extens expul arost allocating personne reductions to the Di Jethe Intelligence Apriles of the Defense Mesiping Aparas

12) For purposes & paragraph (1), the term monheadquarters personnel" means members of the Armed Forces and Crewton empioyees assigned or detailed to permanent duty in the Defense Apeners and Depart. ment of Delense Freit Activities other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support Activities

PERSONNEL CHILDING ADMUSTMENTS

Sec. 101 The Director of Central Intellige perior may pulhonee employment of envilsar. personnel in excess of the numbers authorseed for fiscal year 1811 under sections 102 and 202 of thu Act when he determines that such action is necessary to the performance a important intelligence functions except Vict such number miss not, for any element of the Intelligence Community exceed 2 pe centum of the number of civilian personnel andionized under such sections for such elewith The Director of Central Intelligence shall promply notif the Permanent Select Committee on Intelligence of the House of Representatives and the Baiect Committee on Intelligence of the Senate whenever he exercuses the authority pronted by this section

RESTRICTION ON SUPPORT POR MILITARY OF PARAMETERARY OPERATIONS IN MICHEAGUA

SEC 104 Funds uncilable to the Central Intelligence Agency the Department of Defense or any other agency or entity of the Umited States innoined in intelligence actimines may be obligated and expended during fiscal year that to provide funds material or other assistance to the Nicaraguar democratic resistance to support milisory or paramilitary operations in Nicarague only as authorized an section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Seewrity Act of IM7, or pursuent to Section 101(a)(1) of the Act making continuing appropriations for the fiscal year 1985 (P.L. 206-128), or pursuant to any provision of ker specifically providing such funds mate-THE O' ASSISTANCE

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TITLE II—INTELLIGENCE COMMUNITY STATE

AUTHORIZATION OF APPROPRIATIONS Sec. 201. There is exthorized to be approprinted for the dutclingence Community Stall for fiscal year 1986 the sum of \$23.614.00E

AUTHORIZATION OF PERSONNEL END STRENGTH Sec. 202 tel The friedingence Community Sic! is exthorized 23? full-time personnel as al September 34, 1841. Such personnel of Die Inteligence Community Staff may be permenent employees of the intellipence Community Staff or personnel detailed from other elements of the United States Govern.

the During Fiscal Year 1988, personnel of the Intellipence Community Sig" shall be se-

Covernment empoped to tak listeries and as delipency related activities

te Durant Pural Year 1861, and afture or eniginary. O' Du linius Bicks or a number of Dir Armet Bures who is detailed to the Ind Userser Community Blat from Brough siement a' Du United States Covernment shall be detailed on a wimbursable dame except that any such after, employer or number may be detailed on a nonreuniburse ble basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intel hom.ce

INTELLIGENCE CONNUNTY STATE ADMINISTERS. IN BANT MANNER AS CENTRAL INTELLIGENCE AGENC)

Brc 203 During Pural Year 1988 activities and personnel of the Intelligence Com munity Staff shall be subject to the provi sions of the National Security Act of 1947 150 U.S.C. 601 et seq I and the Central Intel tigence Agency Act of 1949 150 U.S.C. 4036 et seq I in the same manner as activities and personnel of the Central Intelligence Agency III-CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABIL ITY SYSTEM

ALTHORIZATION OF APPROPRIATIONS

SEC 301 There is anthorized to be approprivated for the Central Intelligence Agency Estirement and Disability Fund for Fuscal Year 1966 the sum of \$136,700,000.

TITLE IV-RETIREMENT AND DEATH IN SERVICE BENEFITS

RETTLEMENT BENEFTT. Sec 401. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end the following section:

"BETTELEMENT BENEFITE POF CERTAIN PORMER **EPOUSES**

"Sec 225 for Any individual who was a former spouse of a participant or a former participant on November 15, 1982 shall be entitled to the extent of available approprictions and except to the estent such former spouse is disqualified under subsection for to benefits.

"(1) if married to the participant through out the creditable service of the participant equal to 50 percent of the benefits of the partimpent o.

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rate share of 50 perpent of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if-

"(1) the former spouse remarries before age

"(2) the former spouse is less than 50 years 0'000

"1011) The entitlement of a former spouse to benefits under this section.

'LL! shall commence on the later of—

"(i) the day the participant upon whose service benefits are based becomes entitled to benefits under this title:

the divorce or annulment involved becomes final or

"liii) such former spouse's 30th birthday. and

"(B. shall terminate on the earlier of—

"It the last dos of the month before the former spouse dies or remarries before \$5 years of age; or

"In! the date the benefits of the participant terminate

"(2) Notwithstanding peragraps, (1), tr. Die vasi of any former spouse of a disability

"A! the denotes of the former spouse shall

ectrics for Bracisti under Disc title tother Dion Guebility entails of Un day be de ability annuals begins, whichever as beter

"(B) By amount of benefits at the former spouse shall be calculated on the busin of brachts for which the perfection would ליו לפרם כם יעיצי שלום

"(3) British when the section shot be tracted the some as an annuity and see tion 822/6/16: for purposes of arction 221/pil2/ or any comparable provides a

"1411A: Benefits wider thu section wiel." not be payable union appropriate uniter. application is provided to the Director con. plete with any supporting documentation which the Director may be regulation w quire, within 36 months after the effective date of this section. The Director may waite the 30-month application requirement ender thu subparagraph in any case in which the Director determines that the excumstances AU MOGETTOR!

"(B) Upon approval of an application as provided under subparagraph (A). the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefit under this section, but in no event shot ben this be parable under this section with re spect to any period before the effective date W this section.

"Id: The Director shall-

"(1) at 2007, at possible, but not later than 60 days when the effective date of this sec from usua such regulations as may be neces son, to come out this section, and

12) to the maximum extent practicable and as soon as possible, inform each inciridual who was a former spouse of a partire pant or a former participant on November 15, 1982, of any rights which such individu nal may have under this section.

"let Nothing in this section shall be con strued to impair, reduce, or otherwise affect Die annuity or Die entitlement to any annuits of a participant or former participant under this title

fb: Section 14/c: of Dic Central Intellig period Aperics Act of 1945 is amended by in-secting "225," after "223, 224"

DEATE IN SEE VICE BENEFITS

SEC 402 (a) Section 232(b) of the Desiral Intelligence Agency Retirement Act of 1964 for Certain Employees 150 U.S.C 40(b) notes L' Emended-

(1) by inserting "(1)" before "L' a partie-

(2) by striking all that follows "as defined in section 204," and inserting in her thereo. for by a former spouse qualifying for a surrivor annuity under section, 222/b), such widow or widower shall be entitled to the extent of evailable appropriations, to an evwaits equal to 55 percent of the annual computed in accordance with paragraphi 17) and 18, of this subsection and section. benefits under this title:

221(a), and any such surviving former "Yii) the first day of the month in which spouse shall be extilled, to the extent of evailable appropriations, to an annuits computed in accordance with section 222% and paragraph (2) of this subsection as it the participant died after being entitled is on orneity under the Act The annuity of such widow, widower, or former spouse she commence on the date following neath of the participant and shall terminate upon aect: or remarriage prior to attaining age sizts of the scidor scidoper, or former spouse trutject to the payment and restoration provisions of sections 2211g/ and 222/b/(3)/. ", and

13) by adding at the end the following new

Ected so as to promise appropriate representation of the limited States on the state the participant should set to promise appropriate representation of the limited States.

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November 10, 1987

perticin 271101, except blot by computation of the annuity of the perturpost under such arction shall be at least the smaller of 14160 percent of the porticipants unrespectable of 1810 and obtained under such arction after increasing the porticipant's service of the type last performed by the difference between the participant's upon at the 1810 perfect of the 181

"(3) Notribulanding paragraph (1), if the participant had a former spouse qualifying for an annuly under section 227(b), the annuly of a seridov or undover under this section shall be subject to the insulation of section 221(b)(3)(B), and the annuly of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B)."

(b)(1) Section 221(0)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by inserting "232(b)," after "222, 223.".

(2) Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(A) in subsection (b) by inserting "and (3)" after "subsection (c)(2)"; and

(B) in subsection (c)-

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) a new paragraph as follows:

"(3) Section 232(b).".

13) Section 14(a) of the Dentral Intelligence Apency Act of 1949 (50 U.S.C. 403n(a)) is amended by inserting "232(b)," before "234(c), 234(d),".

tci(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on November 15, 1982, the effective date of the Central Intelligence Agency Spouses' Retirement Equity Act of 1982.

(2) The amendments made by subsection (b)(2) shall take effect on January 1, 1987, the effective date of the Federal Employees' Retirement System Act of 1986.

Id! Nothing in this section or any amendment made by this section shall be construed to require the forfeiture by any individual of benefits received before the date of the enactment of this Act.

le! Nothing in this section or any amendment made by this section shall be construed to require a reduction in the level of benefits received by any individual who was receiving benefits under section 22 of the Central Intelligence Apency Retirement Act of 1964 for Certain Employees before the date of enactment of this Act.

TITLE V-ENHANCED COUNTERINTEL-LIGENCE AND SECURITY CAPABILI-TIES

REPORT ON ADMISSION OF CERTAIN ALIENS

SEC. 501. The Attorney General shall report annually to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence regarding the circumstances of any admission to the United States over the objections of the Federal Bureau of Investigation, of any Soviet national employed by or assigned to a foreign mission or international enganization in the United States.

FRI HEV YORK PIELD DIVISION EXPLOYMENT PLAN SEC. 502 (a) The Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall conduct a study to ascertain the effect on recruitment, retention and operations of employees of the New York Pield Division of the Federal Bureau of Investigation caused by the usual hiving expenses associated with such employment.

the No later than 60 days after the enact. Thereinafter referred to as the Academy for ment of this Act, the Director of the Federal an objective study which shall be classified Bureau of Investigation and the Director of and which shall consist of a comprehensive

Dir Office of Personnel Management shall submit to the Congress a report setting forth the results of the study described in subsection for and a plan for remedying problems identified by the study including as appropriate. Additional compensation or other means of defraying the costs of employment in the New York Field Division.

7ITLE VI—DEFENSE INTELLIGENCE PERSONNEL IMPROVEMENTS

DIA CIVILIAN UNIFORM ALLOWANCE

BIC 801 for Cuntakability R'ITH BTATE DEPARTMENT EMPLOYEES —Chapter 83 of title 30. United States Code, is amended by inserting at the end thereof the following new section:

"8 1606 Uniform allowance civilian employees

"Val The Secretary of Defense may pay an allowance under this section to any estiman employee of the Defense Intelligence Agency who—

"(1) is assigned to a Defense Attache Office outside the United States, and

"(2) is required by regulation to wear s prescribed uniform in performance of official dulies

"(b) Notwithstanding section \$901(a) of fille 5, the amount of any such allowance shall be the preater of the following:

"(1) The amount provided for employees of the Department of State assigned to positions outside the United States and required by regulation to mear a prescribed uniform in performance of afficial Eutres.

"(2) \$360 per year.

"(c) An allowance paid under this section shall be treated in the same manner as is provided in subsection (c) of section 5901 of title 5 for an allowance paid under that section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1606 Uniform ellowerse sirfice employees". Extension of efectal termination authority

FOR CERAIN DOD INTULIGENCE EMPLOYEES. SEC. 602. (a) DEFENSE INTELLIGENCE AGENCY.—Section 1604(e)/1) of title 10, United Stater Code, is amended by striking out "during fuscal years 1886 and 1987" and inserting in her thereof "during fuscal years 1888 and 1885".

1b) MILITARY DEPARTMENTS.—Section 1590(e)(1) of such title is emended by striking out "during fiscal year 1987" and inserting in lieu thereof "during fiscal years 1988 and 1989".

BEQUIREMENTS TO DISCLOSE ORGANIZATIONAL AND PERSONAL DATA: DU EXEMPTION

Sec. 603. (a) Chapter \$3 of title 10, United States Code, is amended by inserting the following new section:

*# 1607. Exemption from disclosing organizational and personal data

"Notwithstanding the provisions of any other law, and except as provided herein and as required by section 552 or section 552a of title 5, United States Code, the Defense Intelligence Agency shall not be required to disclose the organization or any function of the Defense Intelligence Agency or the names, official titles, occupational series grades salaries or numbers of personnels mployed by such Agency. This section shall not apply to information provided the Congress."

TITLE VII—STUDY OF INTELLIGENCE PERSONNEL SYSTEMS

BEC. 701. (a) The Director of Central Intellipence shall undertake to contract with the National Academy of Public Administration thereinfiles referred to as the Academy) for an objective study which shall be classified and shiph shall permit the montral shiph shall permit the montral shiph shall be consisted.

TENNER and somporalize analysis of all personnel monapement and compensation, systems affecting civilian personnel of apencies and entities of the intelligence community.

Ibi In conducting the study described in subsection tot, the deaderny shall determine the adequacy of aristing personnel systems to further the ability of a lelipence ascencies or artistus to perform their missions and make such recommendations for legislative explicative or other changes as the deaderny determines advisable.

Ici The study described in subsection to shall be completed in final form no taler than January 24, 1923 and such study, and any interim report of such study, shall be transmitted upon receipt by the Director of Central Intellipence to the Permanent Belect Committee on Intellipence of the Found of Representatives and the Select Committee on Intellipence of the Scient Committee on Intellipence of the Secule.

MI Of the amount available to the Intellisence Community Staff for fiscal year 1918 : under Section 381, not more than \$500,000 shall be available for the study described in subsection tal.

(e) The Director of Central Intelligence. The Director of the Intelligence Community Staff, and the heads of the Elements of the intelligence community shall provide such support and appropriate access to necessary information as the Academy may require to complete the study described in subsection In.

TITLE VIII—GENERAL PROVISIONS
RESTRICTION OF CONDUCT OF INTELLIGENCE
ACTIVITIES

SEC. 801. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any insellipence activity which is not otherwise authorized by the Constitution or laws of the United States.

SYLAND DEPLOTE RESERVE AUTHORITE

Est. \$02. Appropriations withoused by this act for salars, pay mirrement, and other benefits for Federal amployees may be increased by such additional or susplemental amounts as may be necessary for forceases in such benefits authorized by law.

TITLE IV—MOUNT ALTO EMBASSY SITE
ASSESSMENT OF BOTTLE ELECTRONIC ESPIONALL
CAPABILITY

Sec. 801. (a) REVIEW AND ASSESSMENT.—The Secretary of Defense shall review and assess the present and potential expatibilities of the Government of the Soviet Union to intercept United States communications involving diplomatic, military, and intelligence matters from facilities on Mount Alto in the District of Columbia. The Secretary shall submit to Congress a report on such review and assessment not later than 80 days after the date of the enactment of this Act.

1b) DETERMINATION OF CONSISTENCY WITH NATIONAL SECURITY.—The report required by subsection (a) shall include a setermination by the Secretary of Defense as to whether or not the present and proposed occupation, of facilities on Mount alto by the Occurament of the Soviet Union to consistent with the national security of the United States.

fc/ Classification of Rivord.—The report required by subsection (a) shall be submitted in both classified and unclassified form, and the determination required by subsection (b) shall be submitted in an unclassified form.

id Limitation or Delegation.—The Becretary of Defense may not delegate the duty to make the determination required by subsection (b). November 10, 1987

CONGRESSIONAL RECORD - HOUSE

H 9931

And the Betate at the the same LOUB From Dan McCrast. Антирит С Вышкиюв, RUMEN W. KASTETHEIR. DA DATE ROLLET & ROL Oroma I Brown. Jr., MATTERY P. MCHUCH. BRUIND J DATE. CHARLE WILLOW. BARMA B EDIFELT. BORY J. BIDL DICK CHEFT. BOR LEVINGETOR. BOI MCENT DU LOURE. Bur Severa (For matters within the jurisdiction of the Committee on Armed Berrices under clause 1(c) of House Rule X), Le App.

> Managers on the Part of the House. DAYD L. BORER BILL CORDS LICTO BIDGSER. BAN NUNR ERREST P. HOLLINGS. BILL BRADLEY. ALAD CRANSTON DEREIS DECORCINI. HOWARD M. METERSHOOM, OLLIS HATCH PLAKE H. MULKOWSKI. CERT HECET JOHN W. WARRED (For matters within the jurisdiction of the Committee on

> > Armed Services).

BANTE & BILLITOR.

STROM THURMOND

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF

J. J. Exca

THE COMMITTEE OF CONFERENCE The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2112) to authorise appropriations for fiscal year 1988 for intelligence and intelligencerelated activities of the United States Covernment, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Dimbility System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended to the accesspanying conference proof:

The Sensie amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from fits disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements resolved by the conference, and minor drafting and clarifying changes.

Trees I - Lame Lambert Activities

Due to the classiful nature of intelligence and intelligence-related artivities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

are shown below or in the classified since to this joint statement

A similal surference group resolved difference between the House and Benatz regarding DOD Intelligence Related Activities referred to as Tartical Intelligence and Related Activities (TLARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Benatz The Special conference group consisted of members of the Bouse and Benatz Committees on Armed Services and the Bouse Permanent Select Committee on Intelligence

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Benate conferees for the National Defense Authorization Act, 1988. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Bchedule of Authorizations, the joint statement, and its classified armex, for TIARA programs which fall into the appropriation categories of Military Pay and Military Construction.

Title 1-Intelligence Activities sections 101 and 101

Sections 101 and 102 of the conference report authorise appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1988 and establish personnel cellings applicable to such activities.

Section 101 is identical to Section 101 of the House bill which authorized appropriations only for Piscal Year 1988 Section 101 of the Senate amendment authorized appropriations for Piscal Years 1988 and 1885.

Section 102/a) of the House bill applied only to Pacal Year 1988. Section 102 of the Senate amendment applied to both Piscal Year 1988 and 1989.

Sections 102 (a) and (b) of the conference report authorize appropriations and man-power for Piscal Year 1988 at a level consistent with the budget allocations for the defense functions set by H. Con. Res. 93, the Concurrent Resolution on the Budget for Fiscal Year 1988 H. Con. Res. 93 provides an overall authorization for the national defense function (Punction 050) at \$296 billion for Place! Year 1988, but would reduce that level to \$285 billion if reconciliation legislation increasing revenues is not enacted. Section 102(b) authorizes appropriations for intelligence and intelligence-related activities at a level proportionate to the \$296 billion level the "Conference Agreement" level. but provides that a lower level of authorizations, the "Contingent Level," will apply in the absence of legislation permitting Piscal Year 1985 appropriations for national defense in excess of \$289 billion Section 102(b) also waives the authorization requirements of Section 502(a)(1) of the National Security Act with respect to certain unsuthorized appropriations listed in the Schedule of Authorizations

Section 102(c) provides for the distribution of the classified Schedule of Authorizations.

Section 102(d) of the House bill required the Secretary of Defense to exclude the Defense Intelligence Agency (DIA) and the Defense Mapping Agency (DMA) from reductions in non-headquarters personnel of Defense Agencies he must make as of September 30, 1985 under the provisions of the Department of Defense Reorganization Act. The Senate amendment contained no comparable provision.

Section 192(d) of the conference report expresses the sense of Congress that the Secretary should not make personnel cuts at DIA and DMA to comply with the provisions of the Act requiring cuts in non-head-

quarters prosociate) The conference served to this constromise because they believe that these two agencies have important inuffly Bence of intelligence related missions which would be arverely impaired by personne; re ductions In fact the Congress has consist enus increased manpower of these two exercies in order to meet the requirements of her responsibilities, some of which the Congress has explicitly wreed upon them. The conferes also recognize, however, that if the personnel reduction provisions of the Department of Defense Reorganization Act are to have efficacy, they must ge given a chance Bince no reductions are mandated until Placal Year 1988, the conferent agreed to drop the Bouse exemption for DIA and DMA. However, the conferees fully expect the Becretary of Defense to heed the Department's own studies showing the need for existing manpower levels at DIA and DMA to conduct essential intelligence and intelligence-related tasks and to refrain from making personnel reductions at those Defense agencies.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances. Section 103 of the conference report is identical to Section 103 of the Bouse bill and Section 103 of the Senate amendment.

The conferees emphasize that the authority conveyed by Section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth The conferent do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorzations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the House bill provided that 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 and expended during fiscal year 1988 to provide funds materiel or other assistance to the Nicareguar Democratic Resistance to support military or paramilitary operations in Nicaragus only as authorized by the bill or specifically authorized by separate legislation approved by Congress Section 104 prohibited the use of funds from the CIA's Reserve for Contingencies to support the military or paramilitary activities of the Nicaraguan Democratic Resistance. The section also provided that any unauthorized transfer of funds to support such military or paramilitary operations would require Congressional approval Pinally, Section 104 permitted the provision of intelligence information and advice to the Nicaraguan Democratic Resistance under terms and conditions specified by the Joint Explanatory Statement of Managers to accompany the conference report on H.R. 2419 of the 99th Congress (H. Rept. 99-373, pages 14 and 17), the House bill authorized funds sufficient to provide such intelligence information and advice.

November 10, 1987

The Beriate Amendment contained no comparable provision but authorized fundifor the provision of intelligence information and advice

Bettion 104 of the conference agreement is identical to the House bill except that the conference provision also authorizes the funds and authorizes the funds and authorizes provided by FY 1988 continuing resolutions (HJ Res 362, 100th Congress, Ist Beasion, P.L. 100-120, and HJ Res 364, 100th Congress, Ist Beasion), subject to the understandings set forth in the classified annex to this statement of managers. These understandings are contained in representations of September 29. October 7 and November 6, 1987, made by intelligence officials to the two intelligence committees, and included in the classified annex to this Statement of Managers.

The conferees note that the adoption by the Central American nations in Guatemala on August 7, 1987 of a peace plan for the region has affected dramatically the context in which assistance to the Nicaraguan resistance is viewed by the Congress Accordingly, the conferees assume that any authorities provided by the conference report which relate to assistance to the Ricaraguan resistance shall be reviewed, modified or terminated consistent with compliance with the Central American peace plan, which among other things, calls for an end to foreign assistance to Central American insurgencies.

TITLE II-INTELLIGENCE COMONUNITY STAFF

SECTIONS 201, 201, AND 205

Title II of the conference report authorizes appropriations and personnel endstrengths for FY 1988 for the Intelligence Community Staff and provides for administration of the Staff during FY 1988 in the same manner as the Central Intelligence Agency. The House bill authorized \$24,272,000 and 237 personnel. The Senate amendment authorized \$21,200,000 and 237 personnel. The conference report authorizes \$23,614,000 and 237 personnel.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETURNIENT AND RELATED MATTERS

SECTION SE:

Section 301 of the conference report authorizes appropriation for FY 1988 of \$134,700,000 for the CLA Retirement and Disability Pund. Both Section 301 of the House bill and Section 301 of the Senate amendment authorized \$134,700,000 for the Pund.

TITLE IV-REPERDORS AND DEATE-IN-

Section 401 of the conference report provides retirement benefits for former spouses of CIA employees who were divorced prior to, or whose spouse retired from the CIA prior to, November 15, 1982 the effective date of the Central Intelligence Agency Spouses' Retirement Equity Act of 1982

Section 402 of the conference report provides a death-in-service benefit to qualifying CIA former spouses, retroactive to November 15, 1982.

Section 401 of the conference report is identical to Section 401 of the House bill.

Section 402 of the conference report is identical to Section 402 of the House bill. with an amendment that makes clear that widow or widower of a CIA employee who has received a death-in-service benefit prior to enactment of the Intelligence Authorization Act for Piscal Year 1985 shall not have such benefits reduced after enactment if a former spouse of the CIA employee becomes eligible for a death-in-service benefit. The Serate amendment contained no comparable provisions

TITLE V-ERHANCES COUPTERINTELLICENCE AND BUTCHITT CAPABILITIES

REVISION BOX

Bection 80) of the conference report requires the Attorney General to report annually to the two intelligence committees any cases where Soviet nationals have been admitted to the United States, over the objections of the Director of the Pederal Bureau of Investigation, for employment by, or assignment to, a diplomatic establishment or international organization in the United States.

Bection 801 of the conference report is identical to Section 401 of the Benate amendment. The Bouse bill contained no comparable provision.

BECTION BOS

Section 802 of the conference report directs the Director of the Pederal Bureau of Investigation and the Director of the Office of Personnel Management to conduct a study to ascertain the effect on recruitment, retention and operations of employees in the New York Field Division of the Federal Bureau of Investigation caused by the high cost of living in the New York area. The section further provides that 60 days after enactment, the two Directors must submit to Congress a report setting forth the results of the study and a plan for remedying problems identified by the study, including as appropriate, additional compensation or other means of defraying the costs of employment with the PBI in the New York Field Division.

Section 402 of the Senate amendment provided permanent authority to the Director of the Pederal Bureau of Investigation to pay additional compensation to the employees of the FBI's New York Field Division order to defray unusual living expenses associated with such employment. The House bill contained no comparable provision.

The Intelligence Committees have been advised for some time by the FBI that due to the high costs of living in the New York area, the FBI has a difficult time recruiting agents for such assignments, which impose a considerable financial burden on agents and their families under the current pay structure. Agents who are assigned to the New York office routinely attempt to leave at the earliest opportunity.

Prom the standpoint of the effectiveness of the PBI's Foreign Counterintelligence Program, the New York Field Division is critically important. To have employees assigned to this division against their wishes, at a considerable financial sacrifice, and to have them take the first opportunity to leave for the same reason, inevitably undermines the effectiveness of the New York office in terms of its counterintelligence responsibilities.

What distinguishes the circumstances of FBI employees in the New York area is that many PBI employees are transferred to and out of the New York area as a routine matter. The great majority are not recruited in New York and undergo significant hardship in terms of housing, commuting and overall living expenses by transferring into the New York metropolitan area. Most other Pederal employees in the New York area are not required as a condition of employment to move to the New York area because they were already living in the area when they joined the Pederal service. Purther, the conferees wish to emphasize that the FBI, especially in its counterintelligence activities, possesses personnel requirements which differ from other Pederal agencies and which impose burdens in excess of those imposed by other Pederal employment in the New York area.

The conference are conscious of the fort that legislating a special compensation supplement for FBI employees to the New York ares would cause dismittefaction and invite comparison with other Pederal employment Although the conferres are convinced that circumstances of FBI recruitment, amign ment and operations are generally more on erous than those of other Poderal employees in the New York area, the conferees were mindful of the Administration's concern to minimize inequities in the treatment of all Pederal employees in the New York area. The conferees, however, are of the strong belief that some appropriate meas ures can and should be taken to relieve the high cost of living for Pederal employees in the New York area but most particularly for those of the FB1.

The conferees had considered a shortterm demonstration project in order to study the effect that an additional cost-ofliving allowance would have on the situation of PBI employees in the New York Field Division. The intent of the allowance would have been to equalize the financial burden of living in the New York area with those which may occur in other areas of the country. The Administration opposed this approach and represented to the conferees that the Director of the Office of Personnel Management had sufficient legislative authority to make adjustments for the employees of the New York Pield Division. The conferees were further told that the Administration was willing to undertake a study to consider ways in which to employ such authority and that there was a recognition within the Administration of the unique and significant burden imposed on many New York Pield Division employees of the FB1. Accordingly, the conferees agreed to require such a study with appropriate recommendations. It is the expectation of the conferees that the results of the study will hear out the conferees' conclusions about the uniqueness of the PBI working conditions in New York and the appropriateness of providing some recompense for these conditions of employment.

The conferees believe that Administration officials have promised a good faith effort to come up with a solution to the New York Pield Division problem within the context of existing authorities and as a result of cooperation between OPM. PBI and the Office of Management and Budget. The conferees put the Administration on notice that a failure to address the problems identified by the intelligence committees will lead to further legislative action by the Con-

The conferees expect that any FY 88 FBI funds used to implement any findings or recommendations of the study will be the subject of a reprogramming request submitted to the appropriate committees of the Congress

Title VI-Depend Intelligence Presonne.

BECTION 801

Section \$01 of the conference report would authorize the Secretary of Defense to pay a civilian uniform allowance to DIA civilian personnel overseas employed by the Defense Attache Offices who are required to wear uniforms during the course of their employment.

Section \$01 of the conference report is identical to Section \$01 of the House bill and substantially the same as Section \$01 of the Senate amendment.

SECTION 602

Section 602 of the conference report would extend for two fiscal years the extraordinary authority of the Secretary of Defense to terminate a Defense Intelligence

H 9933

Asency civilian employee without regard to normal Pederal personnel termination proor dura

Bection 802 is identical to Bection 802 of the Benate amendment Bection \$02 of the House bill would have extended this author-11) only for flacal year 1988

The conferen have agreed to consider permanent extension of DIA termination authority based on the findings and recommendations of the study on intelligence personnel systems to be performed by the National Academy of Public Administration pursuant to Bection 701 of the conference POOTL

ARCTICE SOS

Section 903 of the conference report would exempl the Defense Intelligence Agency from any requirement to disclose information on its organization, functions, or personnel except as required by the Pree dom of Information Act or the Privacy Act.

Section 603 of the conference report is identical to Section 805 of the Benate amendment except that the exemption from disclosure would not apply to the reguirements for record searches and disclosure of the Preedom of Information Act and the Privacy Act. The House bill contained no comparable prevision.

The purpose of Section 803 is to permit DIA to svoid various executive branch personnel reporting requirements to which CIA and NSA are not required to respond It will permit the DIA to protect classified personne) data from inappropriate dissemination throughout the executive branch. At present, the DIA is required to submit personnel data which is classified but which receiving executive branch offices cannot securely handle or use. The conferees determined that it was appropriate to remove the requirement for classified submissions by DIA in connection with such internal executive branch reports but unnecessary to exempt DIA from either the Preedom of Information Act or the Privacy Act, since compliance with those statutes has not been a problem for DIA and because both statutes provide adequate protection for classified Information.

TITLE VII-STUET OF INTELLIGENCE PERSONNE STREET SECTION 701

Section 701 of the conference report requires the Director of Central Intelligence to contract with the National Academy of Public Administration to perform an objective classified study of personnel management and compensation systems affecting civilian personnel of the United States intel-

higence community.

Section 601 of the House bill would have created a Commission on Intelligence Personnel Systems to review personnel recruitment, retention, management and compennation programs of the U.S. intelligence community. The commission would have been made up of three members, one appointed by the President, another by the Speaker of the Bouse, and a third by the Majority Leader of the Senate. The House felt the Commission was necessary to prowide a comprehensive review of current programs; assess the need for changes, especially those required by the unique circumstances of intelligence activities; and to present recommendations to the Congress for necessary changes after considering the potential inequities the proposed changes would create either among intelligence agencies or between the intelligence community and the Pederal Civil Service. The Senate amendment had no comparable prowision.

The conference agreement provides for the conduct of the study that would have

ber, required by the House bill except that under the conference agreement the study shall be conducted by the National Acade my of Public Administration (NAPA) an in dependent Progrally chartered Institution With significant expertise in government management become and an excellent reputa-Note for objective, thorough study study will assess the ability of intelligence community activities to perform their cursent and future missions with existing or proposed personnel and compensation systema

The conference agreement directs the Director of Central Intelligence to contract with NAPA to conduct the study of intelligence personnel systems but it is the expectation of the conferens that the Director will consult with the intelligence committees in his perotiations to select a NAPA team to conduct the study and in the development of assential parameters of that study. The language of the conference agreement also provides that the Director of Central Intelligence, the Director of the Intelligence Community Staff, and all elements of the intelligence community must provide necessary support, including personnel to the NAPA panel as well as access to all information relating to intelligence personnel and management issues. The conferees further urge the Director of Central Intelligence to ensure that members and staff of the NAPA panel are given every measure of cooperation and that security investigations and review necessary to provide clearances for them are given priority attention.

The NAPA study panel should be tasked with producing interim analytical reports before the required completion of the final report by January 20, 1989. The conferees believe that such interim reports, which should be provided on May 1 and August 1. 1988, could be meful to the intelligence committees and to the intelligence community. The conferees urge the Director to ensure that such interim reports particularly address an analysis of existing or proposed changes to personnel management and compensation systems aimed at recruiting or retaining individuals with skills critical to the various missions of the agencies and entities of the intelligence community. Among the skills of critical importance to a number of such intelligence entities are mathematics, computer science, engineering and foreign languages.

The conferees are aware that some intelligence agencies may seek to institute changes in their personnel management and compensation programs during the period in which NAPA is conducting the intelligence personnel study. The conferees do not wish to discourage personnel management and compensation improvements implemented within the framework of current programs. However, the purpose of the study is to prowide a baseline for a comprehensive review by the intelligence committees of all personnel needs of the intelligence agencies presented in a coherent and coordinated fashion. The conferees believe that significant. non-urgent changes in personnel management or compensation programs should be reviewed very carefully before they are implemented

The conferees consider the authorized programs for fiscal year 1988 to include only those personnel management and compensation programs in effect at the time the budget was submitted and justified. Significant changes to those programs would be of special Congressional interest and would require submission to the intelligence committees for consideration under established reprogramming or transfer procedures. By "significant," the conferent mean departures from current personnel management or comprhession structures. While the conferres de not smere le discourse book d change they emphasize that any somem plated significant program change should be submitted well to advance of the date anticipated for implementation. Unless submitted as part of the annual flacal year 1989 budget request such proposals should be submitted at least 30 days prior to proposed implemen-

TITLE VIII-CEPTAL PROVISIONS

Bection 801 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorised by the Constitution or laws of the United States Section 801 of the conference report is identical to Section 701 of the House bill and of the Benate amendment

MCTIOF 803

Section 803 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement, and other benefits for Pederal employees may be increased by such additional or supplemental amounts as may be necessary for increases to such compensation or benefits authorized by law. Section 802 of the conference report is identical to Section 702 of the House bill and of the Senate amendment

TITLE IX-MOTET ALTO ENGAGES RITE

SECTION 901

Section 901 of the conference report would require a report to Congress from the Secretary of Defense assessing the present and potential capabilities of the government of the Soviet Union to intercept United States communications involving diplomatic military and intelligence matters from Soviet diplomatic facilities on Mount Alto in . the District of Columbia and a determination by the Secretary as to whether or not present or proposed Soviet occupation of facilities on Mount Alto is consistent with the national security of the United States.

Section 901 is identical to Section 801 of the House bill. The Senate amendment contained no comparable provision.

PROVISIONS NOT INCLUDED IN THE CORPERSOR REPORT

The House bill contained a provision, Section 105, which reinstated the application of Section 502 of the National Security Act of 1947 as it applied to funds appropriated by the Department of Defense Appropriations Act, 1987, authorized the expenditure of all appropriations in that Act not previously authorized with the exception of two programs, and-with respect to those programs-required that funds appropriated for them be reprogrammed. The Sensie amendment contained no comparable provision.

The conferees agreed that inclusion of Section 105 was unnecessary in light of the fact that a similar previously enacted provision (Section 11 of the Supplemental Appropriations Act, 1867, P.L. 100-71) had the effect of reinstating Section 502 and authorizing all previously unauthorized intelligence programs. Purther, since the enactment of Section 11 of the Supplemental Appropriations Act. 1987, one of the programs, which Section 105 would have directed be reprogrammed, has since been reprogrammed Further discussions between the branches concerning the remaining program have determined how the funds in question will be applied and managed.

·H 9934

. CONGRESSIONAL RECORD - HOUSE

· Movember \$0, 1987

Mr. CLIPELL

MI. MOODITEAD

Mr. Ozumus in two instances.

Mr. Minum of Washington in two in-

Mr. McOuspiass to two instances.

(The following Members (at the re-

v_ . .

quest of Mr. Visclosey) and to in-

Mr. Burros of Texas.

Mr. DREIER Of California

Mr. LOWERT Of California

clude extraneous matter.)

Mr. ROWLAND OF Georgia

Mr. LEVINE of California

Mr. Fascer to two instances.

Mr. Lauros in two instances.

Mr. Bunning.

Mr. Excessor.

Mr. LEELAND.

Mr. KILDER

Mr. PRARE

Mr. GAYDOS.

Mr. TRACLER

Mr. ROBINSON.

Mr. Kostmater.

Mr. Rodino.

MI. SCHUME

Mr. TOWAL

Mr. MANZOR.

MI. WYDER.

Mr. Wise

SIADOOL.

Mr. Plan.

Mr. CRAFE

Section 500 of the Benate amendment smended Bertion 18 of the Mationa' Becam TO ACT OF 1959 to expand MEA's Bildergradu Bit Bine, Will nature blokder & conti graduate-level employees and applicants.
The purpose of the new training program was to recruit and retain talented specialists In mathematics, engineering computer science and foreign languages who might oth train have found better financial and edu cational opportunities in private industry, where such graduate level training a fre-Quently offered

The conference agreed to defer consider at ion of this new training initiative pending the findings and recommendations of the NAPA study so intelligence personnel sys Sema it was felt that training programs were among the incentives that abould be reviewed and evaluated by RAPA to light of the need to retain skilled intelligence professionals. The conference agreed that legis lative deliberation on all non-urgent intelligence personnel management proposale should wait until NAPA has had a chance to study personnel management systems within the intellingence community and the larger federal sector, and made comprehengive recommendations for intelligence community personnel systems. The conferees expect that, in its study and recommenda-Hons, NAPA will deal with the laste of intelligence training programs across the board as incentives to retention and recruitment

The conferens also considered proposed changes in review procedures under the Export Administration Act which will affect the way in which the views of intelligence agencies are considered in determining potentus! adverse effects of exports upon the missions of these agencies Neither of the committees addressed this matter because of the simultaneous consideration in both Bouses of trade bills, but the conferees are concerned that the trade bills passed by both Houses could have the unfiniended side effect of adversely effecting national intellisence expabilities by permitting the export of certain sensitive goods and technology. For these reasons, the conferent request that the Director of Central Intelligence provide the intelligence committees with an intelligence community report which identifire the potential impact to the community of significant changes to the Act or regulations issued pursuant to the Act. The report should also include an emument of trade related events that have had an impact on the intelligence community. The conferees request that the DCI periodically update this report as appropriate, but no less frequently than amounty. The conference request that the Director of Central Intelligence supplement the matters required to be provided under the report with any additional trade problems or assues affecting intelligence activities that stem from legislative or executive branch action.

In his report to Report 100-117) on the Intelligence Authorization Bill the Sensie Committee on Armed Bervices requested that the Secretary of Defense and the Director of Central Intelligence develop a plan for the conduct of net assessments which allow for independent judgments. The House had no similar language.

The conference concur with the concerns expressed by the Senste and endorse the Senate request. The conference also agree that the Intelligence Community should improve its analysis of the net assessment or "correlation of forces" as viewed by the Scviets. In addition to the increased involvement of the Intelligence Community in the Bet assessment process, the conferees believe intelligence officials in the Office of the Secretary of Defense should have an enhanced role in coordinating the develoption of net amountments

DAYS MOCURLY. DAR DARIE ROAD! A ROL Oroson I Brown, Jt. MATTERY P. McBoon. BERLED J. DWYEL CRUBIES WILLOW. BARBARA B KERRELLY, HERRY J. HYDL. DICE CHERTY. BOD LIVERSTOR, BO McTwee, DAR LEBGRER. BUL BUDGIE

(For matters within the jurisdiction of the Committee on Armed Services under clause 1(c) of Bouse Rule X),

BANUE & BIBATTON.

DAVID L BORING BILL COME LLOYD BENTEEN, BAN NUNN EMBY P. HOLLINGS. BILL BRANET. ALLE CELEFTOR, DEFRU DECURCUIA. HOWARD M METERSMEN ORRUF HATCH PLANE E. MURROWELL CER RECEIL

Committee on Armed Services).

STROK THURMOUD. Managers on the Part of the Senate.

EPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted

(The following Members (at the request of Mr. Barron of Texas) to revise and extend their remarks and include extraneous material:)

Mr. KEMF, for 80 minutes, today. Mr. BARTOR of Texas, for 5 minutes each day, on November 10, 16, 17, and

(The following Members (at the request of Mr. VINCLOSEY) to revise and extend their remarks and include extrancous material:)

Mr. Annunzio, for 5 minutes, today. Mr. Studds, for 5 minutes, today.

Mr. FASCELL, for 5 minutes, today. Mr. GONZALEZ, for 60 minutes, on No-Fember 16.

EXTENSION OF REMARKS

to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Barron of Texas) and to thereupon signed by the Speaker. include extraneous matter.)

Mr. RITTER.

Mr. DURKEKEYET.

Mr. Broompield.

Mr. BHUNWAY. M.TS. ROUKEMA.

Mr. Gallo in two instances

ment of intelligence estimates and prepara

LOUIS BTOKES ANTHONY C BLILLIAGE, ROLD I W. ELITERNEID

Les Aprix

Managers on the Part of the House

JOHN W. WARNER (For matters within the jurisdiction of the

Mr. GARCIA JJ. Exox, Mr. ADCOIR. Mr. Busmen. Mr. MARKEY.

MI, MAVROULES. Mr. CLAY.

Mr. Piesto. Mr. CHOCKETT.

Mr. Jones of Tennessee.

Mr. Minute of California

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint semirtim of the Senate of the following titles were taken from the Speaker's table and ander the rule, referred as follows:

& \$60. An act to designate "The Stars and Stripes Porever" as the mational march of the United States of America, to the Com-Stitute on Post Office and Orril Service.

6.J. Res. 194 Joint resolution designating the week beginning florember 25, 1967, as "African American Education Week", to the Committee on Post Office and Civil Bervice.

EXROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Commit-By unanimous consent, permission tee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were

H.R. 2205. An act for the selici of Marcy L Brady, and

H.R \$457. An act to amend the Packers and Brockyards Act. 1921, to provide financial protection to positry growers and selfers and to clarify Pederal jurnication under

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