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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510

Executive Registry

85- 2973

LEGISLATIVE LIAISON

85-2193

July 12, 1985

The Honorable William J. Casey
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Casey:

The enclosed copy of a bill which has been referred to the Committee on Governmental Affairs is sent for your review and comment. Your views concerning the provisions of this bill and recommendations for possible Committee action would assist us in our study of the measure.

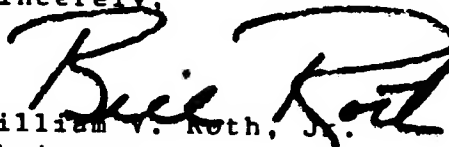
In addition, Senate rules require each Committee to estimate the regulatory and paperwork impact of any legislation it reports. To assist the Committee in complying with this requirement, we would appreciate receiving your Agency's assessment of the possible paperwork and regulatory burdens which might result from the passage of the enclosed legislation.

We would greatly appreciate your providing us with your response within the next 30 days so that we might have it in time for Committee action.

Please address all correspondence to the attention of Gretta Graham, Committee on Governmental Affairs (224-4751).

Thank you for your participation in this effort.

Sincerely,


William V. Roth, Jr.
Chairman

WVR/jm

S. 1347

IN THE SENATE OF THE UNITED STATES

Mr. NUNN (for himself, Mr. ROTH, Mr. CHILES, Mr. GORE, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide access to criminal history record information for national security purposes for the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Security
5 Clearance Information Act of 1985".

6 CONGRESSIONAL FINDINGS AND POLICIES

7 SEC. 2. The Congress finds—

1 (1) that under the Constitution, Congress has the
2 responsibility and power to provide for the common de-
3 fense and security of our Nation;

4 (2) that the interests of national security require
5 that the Department of Defense, the Office of Person-
6 nel Management, or the Central Intelligence Agency
7 conduct investigations of individuals for the purpose of
8 determining eligibility for access to classified informa-
9 tion, assignment to or retention in sensitive national
10 security duties, or acceptance or retention in the armed
11 services;

12 (3) that the interests of national security require
13 that the Department of Defense, the Office of Person-
14 nel Management, or the Central Intelligence Agency
15 have access to criminal history record information
16 when conducting investigations of individuals for the
17 purpose of determining eligibility for access to classified
18 information, assignment to or retention in sensitive na-
19 tional security duties, or acceptance or retention in the
20 armed services; and

21 (4) that the interests of national security have
22 been adversely affected by the reluctance and refusal of
23 many State and local criminal justice agencies to pro-
24 vide criminal history record information to the Depart-
25 ment of Defense, the Office of Personnel Management,

1 or the Central Intelligence Agency for use in investiga-
2 tions of individuals for the purpose of determining eligi-
3 bility for access to classified information, assignment to
4 or retention in sensitive national security duties, or
5 acceptance or retention in the armed services.

6 SEC. 3. Chapter 31 of title 10, United States Code, is
7 amended by striking out section 520a and substituting the
8 following:

9 **"§ 520a. Criminal history record information for national**
10 **security purposes**

11 "(a) As used in this chapter:

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

19 "(2) The term 'criminal history record informa-
20 tion' means information collected by criminal justice
21 agencies on individuals consisting of identifiable de-
22 scriptions and notations of arrests, detentions, indict-
23 ments, information, or other formal criminal charges,
24 and any disposition arising therefrom, sentencing, cor-
25 rection supervision, and release. The term does not in-

1 clude identification information such as fingerprint
2 records to the extent that such information does not
3 indicate involvement of the individual in the criminal
4 justice system.

5 “(3) The term ‘classified information’ means infor-
6 mation or material designated pursuant to the provi-
7 sions of a statute or Executive order as requiring pro-
8 tection against unauthorized disclosure for reasons of
9 national security.

10 “(4) The term ‘State’ means any of the several
11 States, the District of Columbia, the Commonwealth of
12 Puerto Rico, the Northern Mariana Islands, Guam, the
13 Virgin Islands, American Samoa, the Trust Territory
14 of the Pacific Islands, and any other territory or pos-
15 session of the United States.

16 “(5) The term ‘local’ and ‘locality’ means any
17 local government authority or agency or component
18 thereof within a State having jurisdiction over matters
19 at a county, municipal, or other local government
20 level.

21 “(b)(1) Upon request by the Department of Defense, the
22 Office of Personnel Management, or the Central Intelligence
23 Agency criminal justice agencies shall make available crimi-
24 nal history record information regarding individuals under in-
25 vestigation by the Department of Defense, the Office of Per-

1 sonnel Management, or the Central Intelligence Agency for
2 the purpose of determining eligibility for (A) access to classi-
3 fied information, (B) assignment to or retention in sensitive
4 national security duties, or (C) acceptance or retention in the
5 armed services. Fees charged for providing criminal history
6 record information pursuant to this subsection shall not
7 exceed those charged to other government agencies for such
8 information.

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

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

18 “(d) Criminal history record information received under
19 this section shall not be disclosed except for the purposes set
20 forth in subsection (b) or as provided by section 552a of title
21 5, United States Code.”.

22 SEC. 4. The amendments made by this Act shall become
23 effective with respect to any inquiry which begins after the
24 date of enactment of this Act conducted by the Department
25 of Defense, the Office of Personnel Management, or the Cen-

6

1 tral Intelligence Agency for any of the purposes specified in
2 subsection (b) of section 520a of title 10, United States Code,
3 as added by this Act.

4 SEC. 5. The amendments made by this Act are made
5 pursuant to the powers vested in Congress as found in sec-
6 tion 8 of article I of the United States Constitution.

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