

Intelligence Agents

Insert at p. 17 immediately after statutory language (?)

- The language of Section 6(1)(A) does little to establish manageable standards for its application to particular cases. Congress intended that the Review Board itself determine the proper interpretation of this provision of the Act, with consideration being given to the views of various agencies as well as the public.¹ However, the legislative history does offer some specific guidance in interpreting the statutory language. For example, Congress suggested that in determining whether a certain individual falls within the definition of “intelligence agent” as used in the Act, the Review Board “should consider the breadth of responsibilities and assignments which might fall into this category.”² In addition, on the specific issue of whether the identity of a deceased agent should be disclosed, Congress suggested that the Review Board could consider the potential impact of such a disclosure on survivors.³

¹S. Rep. No. 102-328, at 28 (1992), *reprinted in* 1992 U.S.C.C.A.N. 2965, 2977.

²*Id.*

³*Id.*

Informant Postponements

Insert at p. 38 after list of factors actually used by the Review Board (?)

- In addition to several of the factors listed above, the legislative history regarding these postponement standards also suggested that the Review Board should consider the nature of the agreement in question (i.e. express vs. implied, written vs. unwritten) and the possible motives of those seeking postponement.⁴ (*Explanation of why the Review Board did not actually consider these factors?*).

⁴S. Rep. No. 102-328, at 29 (1992), *reprinted in* 1992 U.S.S.C.A.N. 2965, 2978.