



Legislative Bulletin.....April 26, 2006

Contents:

H.R. 5020—Intelligence Authorization Act for Fiscal Year 2007

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$995 million (unclassified) in FY2007

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$5 million increase over the baseline in FY2007

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 5020—Intelligence Authorization Act for Fiscal Year 2007 (Hoekstra, R-MI)

Order of Business: The bill is scheduled to be considered on Wednesday, April 26th, subject to a rule. Summaries of the amendments made in order under the rule will be provided in a separate RSC document.

Note: This Legislative Bulletin addresses only the **un**classified portion of the bill. The language of H.R. 5020 provides for the passage of the classified annex, which contains the **vast** majority of the authorizations in this legislation. The classified annex is available to the

Committees on Appropriations of the House and Senate and to the President. The President has to provide for the “suitable” distribution of appropriate portions of the annex within the executive branch.

Summary: The unclassified portion of H.R. 5020 would authorize **\$995.0 million** in discretionary FY2007 appropriations and **\$256.4 million** in FY2007 mandatory spending for the Central Intelligence Agency Retirement and Disability System (CIARDS) (roughly a \$5 million increase over the baseline). The specific schedule of authorizations for intelligence activities of the federal government (including the Office of the Director of National Intelligence, the CIA, the Defense Department, the National Security Agency, the FBI, etc.) is classified.

Personnel Ceilings. Authorizes the Director of National Intelligence (DNI), with the approval of the Director of the Office of Management and Budget, to exceed the (classified) FY2007 civilian personnel ceilings, when necessary to perform “important intelligence functions,” when reported to Congress, and when the increase is no greater than 2% of the authorized level.

Intelligence Community Management Account. Authorizes FY2007 appropriations of \$990.0 million to the Intelligence Community Management Account (CMA) to fund 1,539 (unclassified) full-time personnel and other administrative requirements. Allows the Account, under certain circumstances, to reimburse other federal agencies for detailing personnel to the staff of the Account.

CIARDS. Authorizes mandatory spending of \$256.4 million for the Central Intelligence Agency Retirement and Disability System (CIARDS).

Increase in Employee Compensation. Authorizes such appropriations increases “as may be necessary” for employee compensation or benefits.

Intelligence Restrictions. Emphasizes that this legislation should not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

Retention of Debts. Allows the head of an element of the intelligence community to retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the federal government from personal funds, for the repayment of a debt owed by the respective party to the element of the intelligence community.

Federal Prison Industries. Provides that all intelligence community elements must determine that a product or service to be purchased from Federal Prison Industries best meets the needs of the respective element.

Science and Technology. Directs the DNI’s Science and Technology Committee to *prioritize* (as opposed to just coordinate) research and development related to intelligence, including identification of basic, applied, and advanced research programs to be carried out by the

intelligence community. The Director of Science and Technology would also have to assist the DNI in establishing technology goals for the elements of the intelligence community. The DNI would have to report to Congress by June 30, 2007, on a strategy for the development and use of technology in the intelligence community through the year 2021.

Office Locations. Includes the Director of the National Counterproliferation Center (NCPC) and the Director of the National Counterterrorism Center in the list of officers within the Office of the DNI and provides that the NCPC Director be appointed by the DNI.

Incentive Awards. Allows the DNI to provide incentive awards to federal employees and military personnel assigned to the Office of the DNI.

Transportation Security. Adds the DNI to the Transportation Security Oversight Board.

Special Access Programs. Instructs the DNI to submit to Congress, by January 15, 2007, a comprehensive (classified) inventory of special access programs under the National Intelligence Program.

Senses of Congress. Expresses a sense of Congress that the DNI should “promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.”

Congressional Access. Requires the DNI to provide Members and staff of the intelligence committees in Congress with access to the Joint Worldwide Intelligence Communications System (or any successor system) within 180 days of this bill’s enactment.

Pensions. Directs the DNI to study the feasibility of revoking the pensions of persons who commit unauthorized disclosures of classified information (and whether such revocations can already be implemented under current law or administrative authorities).

Protective Services. Allows the CIA to provide a protective detail for the DNI and clarifies the arrest authorities of CIA protective personnel. Prohibits the provision of protective personnel for former intelligence officials beyond a year after an official’s employment termination, unless a “specific and credible threat” to the official is demonstrated.

Strategic Review. Requires that, not later than September 30, 2007, and every four years thereafter, the DNI would have to, in consultation with the heads of the elements of the intelligence community, manage and oversee the conduct of a strategic review of the intelligence community to develop intelligence capabilities required to address threats to national security. The review would have to include estimates of the allocation of resources and structural changes that should be reflected in future budget requests.

Coast Guard and DEA. Adds the Coast Guard and Drug Enforcement Administration to the list of intelligence community agencies in the National Security Act (50 U.S.C. 401a(4)).

Reports Eliminated. Eliminates four reporting requirements that are, according to the Intelligence Committee, encompassed in other reports or are no longer necessary.

Committee Action: The bill was referred to the Permanent Select Committee on Intelligence on March 28, 2006, and was marked up two days later. The Committee then amended and by voice vote ordered the bill reported to the full House.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 5020 is not available.

Cost to Taxpayers: CBO reports that the unclassified portion of H.R. 5020 would authorize \$995.0 million in discretionary FY2007 appropriations and \$256.4 million in FY2007 mandatory spending for CIARDS (roughly a \$5 million increase over the baseline). The specific schedule of authorizations for intelligence activities of the federal government (including the Office of the DNI, the CIA, the Defense Department, the National Security Agency, the FBI, etc.) is classified.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Permanent Select Committee on Intelligence, in House Report 109-411, cites constitutional authority in Article I, Section 8, Clause 1 (common defense and general welfare), Clause 12 (raise and support armies), Clause 13 (provide and maintain a Navy), and Clause 18 (make all laws necessary and proper for carrying into execution the foregoing powers).

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