

111TH CONGRESS  
1ST SESSION

# H. R. 2701

To authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2009

Mr. REYES introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select)

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## A BILL

To authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Intelligence Authoriza-  
5       tion Act for Fiscal Year 2010”.

1                   **TITLE I—INTELLIGENCE**  
2                   **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4           Funds are hereby authorized to be appropriated for  
5 fiscal year 2010 for the conduct of the intelligence and  
6 intelligence-related activities of the following elements of  
7 the United States Government:

8                   (1) The Office of the Director of National Intel-  
9           ligence.

10                   (2) The Central Intelligence Agency.

11                   (3) The Department of Defense.

12                   (4) The Defense Intelligence Agency.

13                   (5) The National Security Agency.

14                   (6) The Department of the Army, the Depart-  
15           ment of the Navy, and the Department of the Air  
16           Force.

17                   (7) The Coast Guard.

18                   (8) The Department of State.

19                   (9) The Department of the Treasury.

20                   (10) The Department of Energy.

21                   (11) The Department of Justice.

22                   (12) The Federal Bureau of Investigation.

23                   (13) The Drug Enforcement Administration.

24                   (14) The National Reconnaissance Office.

1           (15) The National Geospatial-Intelligence Agen-  
2           cy.

3           (16) The Department of Homeland Security.

4 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

5           (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
6 LEVELS.—The amounts authorized to be appropriated  
7 under section 101 and, subject to section 103, the author-  
8 ized personnel ceilings as of September 30, 2010, for the  
9 conduct of the intelligence activities of the elements listed  
10 in paragraphs (1) through (16) of section 101, are those  
11 specified in the classified Schedule of Authorizations pre-  
12 pared to accompany the bill H.R. \_\_\_\_ of the One Hun-  
13 dred Eleventh Congress.

14           (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
15 THORIZATIONS.—The classified Schedule of Authoriza-  
16 tions referred to in subsection (a) shall be made available  
17 to the Committee on Appropriations of the Senate, the  
18 Committee on Appropriations of the House of Representa-  
19 tives, and to the President. The President shall provide  
20 for suitable distribution of the Schedule, or of appropriate  
21 portions of the Schedule, within the executive branch.

22 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

23           (a) AUTHORITY FOR INCREASES.—With the approval  
24 of the Director of the Office of Management and Budget,  
25 the Director of National Intelligence may authorize em-

1 ployment of civilian personnel in excess of the number au-  
2 thorized for fiscal year 2010 by the classified Schedule of  
3 Authorizations referred to in section 102(a) if the Director  
4 of National Intelligence determines that such action is  
5 necessary to the performance of important intelligence  
6 functions, except that the number of personnel employed  
7 in excess of the number authorized under such section may  
8 not, for any element of the intelligence community, exceed  
9 3 percent of the number of civilian personnel authorized  
10 under such Schedule for such element.

11 (b) NOTICE TO CONGRESSIONAL INTELLIGENCE  
12 COMMITTEES.—The Director of National Intelligence  
13 shall notify the congressional intelligence committees in  
14 writing at least 15 days prior to each exercise of an au-  
15 thority described in subsection (a).

16 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
17 **COUNT.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated for the Intelligence Commu-  
20 nity Management Account of the Director of National In-  
21 telligence for fiscal year 2010 the sum of \$672,812,000.  
22 Within such amount, funds identified in the classified  
23 Schedule of Authorizations referred to in section 102(a)  
24 for advanced research and development shall remain avail-  
25 able until September 30, 2011.

1 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
2 ments within the Intelligence Community Management  
3 Account of the Director of National Intelligence are au-  
4 thorized 853 full-time or full-time equivalent personnel as  
5 of September 30, 2010. Personnel serving in such ele-  
6 ments may be permanent employees of the Office of the  
7 Director of National Intelligence or personnel detailed  
8 from other elements of the United States Government.

9 (c) CONSTRUCTION OF AUTHORITIES.—The authori-  
10 ties available to the Director of National Intelligence  
11 under section 103 are also available to the Director for  
12 the adjustment of personnel levels within the Intelligence  
13 Community Management Account.

14 (d) CLASSIFIED AUTHORIZATIONS.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
16 addition to amounts authorized to be appropriated  
17 for the Intelligence Community Management Ac-  
18 count by subsection (a), there are authorized to be  
19 appropriated for the Community Management Ac-  
20 count for fiscal year 2010 such additional amounts  
21 as are specified in the classified Schedule of Author-  
22 izations referred to in section 102(a). Such addi-  
23 tional amounts for advanced research and develop-  
24 ment shall remain available until September 30,  
25 2011.

1           (2) AUTHORIZATION OF PERSONNEL.—In addi-  
2           tion to the personnel authorized by subsection (b)  
3           for elements of the Intelligence Community Manage-  
4           ment Account as of September 30, 2010, there are  
5           authorized such additional personnel for the Com-  
6           munity Management Account as of that date as are  
7           specified in the classified Schedule of Authorizations  
8           referred to in section 102(a).

9           (e) REIMBURSEMENT.—Except as provided in section  
10          113 of the National Security Act of 1947 (50 U.S.C.  
11          404h), during fiscal year 2010 any officer or employee of  
12          the United States or a member of the Armed Forces who  
13          is detailed to the staff of the Intelligence Community Man-  
14          agement Account from another element of the United  
15          States Government shall be detailed on a reimbursable  
16          basis, except that any such officer, employee, or member  
17          may be detailed on a nonreimbursable basis for a period  
18          of less than one year for the performance of temporary  
19          functions as required by the Director of National Intel-  
20          ligence.

1 **TITLE II—CENTRAL INTEL-**  
2 **LIGENCE AGENCY RETIRE-**  
3 **MENT AND DISABILITY SYS-**  
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-  
7 tral Intelligence Agency Retirement and Disability Fund  
8 for fiscal year 2010 the sum of \$290,900,000.

9 **TITLE III—GENERAL**  
10 **PROVISIONS**

11 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**  
12 **BENEFITS AUTHORIZED BY LAW.**

13 Appropriations authorized by this Act for salary, pay,  
14 retirement, and other benefits for Federal employees may  
15 be increased by such additional or supplemental amounts  
16 as may be necessary for increases in such compensation  
17 or benefits authorized by law.

18 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
19 **ACTIVITIES.**

20 The authorization of appropriations by this Act shall  
21 not be deemed to constitute authority for the conduct of  
22 any intelligence activity which is not otherwise authorized  
23 by the Constitution or the laws of the United States.

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