



Legislative Bulletin.....October 5, 2001

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H.R. 2883—Intelligence Authorization Act for Fiscal Year 2002

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Order of Business: The bill is scheduled to be considered on Friday, October 5th, subject to a modified open rule.

Note: This Legislative Bulletin addresses only the unclassified portion of the bill. The language of H.R. 2883 provides for the passage of the classified annex. The classified annex is available to the Committees on Appropriations of the House and Senate and to the President. The President shall provide for suitable distribution of appropriate portions of the annex within the executive branch.

Summary: H.R. 2883 would authorize **\$156 million** in FY2002 appropriations for intelligence activities of the federal government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CIARDS). The specific schedule of authorizations for intelligence activities of the federal government (including the CIA, Defense Department, National Security Agency, FBI, etc.) is classified.

September 11th Commission. Establishes the ten-member “Commission on Preparedness and Performance of the Federal Government for the September 11 Acts of Terrorism.” The Commission shall assess the performance of the federal agencies and departments charged with preventing, preparing for, or responding to acts of terrorism up to and including September 11, 2001. Commissioners shall be appointed by the President and the congressional leaders and shall serve without pay (though travel and other expenses are reimbursable).

The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the providing of any requested evidence at a Commission hearing in the United States. The Commission may grant immunity from prosecution. Within six months after the appointment of a Director of the Commission, the Commission must report to Congress and the President suggestions for legislation and administrative actions based on the Commission’s findings. 30 days after the submission of such report, the Commission shall terminate.

No specific authorization of administrative or other appropriation for this Commission is given.

Personnel Ceilings. Authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, to exceed by no more than 2% the (classified) FY2002 civilian personnel ceilings, when necessary to perform important intelligence functions and when reported to Congress.

Recruitment of Foreign Sources. Instructs the Director of Central Intelligence to create new guidelines for the recruitment of foreign sources in order to overcome risk-aversion.

Intelligence Community Management Account. Authorizes FY2002 appropriations of \$152.8 million to the Intelligence Community Management Account (CMA) to fund 313 full-time personnel and other administrative requirements.

National Drug Intelligence Center. Of the funds authorized for the CMA, \$27.0 million is authorized for the National Drug Intelligence Center in Johnstown, Pennsylvania.

Coast Guard. Codifies the Coast Guard as an element of the intelligence community. That is, this bill would make the Coast Guard a National Foreign Intelligence Program (NFIP) agency under the National Security Act.

CIARDS. Authorizes mandatory spending of \$212.0 million (the same level as the CBO baseline) for CIARDS.

Increase in Employee Compensation. Authorizes such appropriations increases “as may be necessary” for employee salaries, pay, retirement, and other benefits.

Made in America. Expresses a sense of Congress that the Director of Central Intelligence should procure products that have been made in the United States, wherever possible.

Lodging Allowance. Authorizes an intelligence agency to provide a lodging allowance (to be determined by the Secretary of Defense and the Director of Central Intelligence) to participants in a rotational program within the intelligence community that keeps them away from their families, subject to certain conditions.

Extension of Central Intelligence Agency Voluntary Separation Pay. Extends from September 30, 2002, to September 30, 2003, the expiration of the CIA Voluntary Separation Pay program, in which pay incentives are offered for early separation from CIA employment.

Joint Interagency Task Force. Continues the Joint Interagency Task Force operations in Key West, Florida, and Alameda, California, for coordinating drug interdiction efforts worldwide.

Certification for Drug Aircraft Interdiction. Before any U.S. officials can be granted immunity for participating in the interdiction of aircraft engaged in illegal drug trafficking, the President must certify to Congress that there exists a drug threat from the country at issue

and that appropriate procedures to protect against innocent loss of life have been implemented.

Undergraduate Training Program. Authorizes the Secretary of Defense to establish a program to send civilian employees of the National Imagery and Mapping Agency to undergraduate institutions for training. The assistance provided in and the overall structure of this program is to be modeled after a similar undergraduate training program for civilian employees of the National Security Agency.

Bush Administration Position: The Administration is “generally supportive” of H.R. 2883.

Cost to Taxpayers: CBO estimates that the unclassified portion of this bill would authorize **\$156 million** in FY2002 appropriations. No cost estimate is available for the classified annex to the bill. Mandatory spending would be affected by “insignificant amounts,” according to CBO, and would remain at current levels of about \$212 million.

Does the Bill Create New Federal Programs or Rules?: Yes. The unclassified portion of the bill creates a new commission and a few new programs. Otherwise, the bill extends and/or increases current programs.

Constitutional Authority: The House Select Committee on Intelligence (in House Report 107-219) cites constitutional authority in the following clauses of Article 1, Section 8: Clause 1 (“provide for the common Defence and general Welfare of the United States”); Clause 12 (“to raise and support Armies”); Clause 13 (“to provide and maintain a Navy”); and Clause 18 (“to make all Laws which shall be necessary and proper...”).

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