

Legislative Bulletin.....December 12, 2001

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

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Order of Business: The conference report is scheduled to be considered on Wednesday, December 12th. As for all Conference Reports, no amendments or points of order are allowed.

Note: This Legislative Bulletin addresses only the unclassified portion of the Conference Report. The language of H.R. 2883 provides for the passage of the classified annex.

Summary (strike-throughs show authorizations changes from the House-passed bill; other changes incorporated into the sections of this summary): H.R. 2883 would authorize **\$200.3 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.

National Commission on Terrorism. Requires a report from the Director of Central Intelligence concerning whether and to what extent the intelligence community has implemented the applicable recommendations set forth by the National Commission on Terrorism (Bremer Commission). (The September 11th Commission created in the House bill is NOT in the Conference Report.)

Alien Terrorist Removal. Requires the Attorney General to report on the “effect and efficacy” of alien terrorist removal proceedings and why such proceedings have not been used in the past.

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.

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.

Intelligence Community Management Account. Authorizes FY2002 appropriations of \$152.8 **\$200.3** million to the Intelligence Community Management Account (CMA) to fund 313 **343** full-time personnel and other administrative requirements.

National Drug Intelligence Center. Of the funds authorized for the CMA, \$27.0 **\$44.0** 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 the Central Intelligence Agency Retirement and Disability System (CIARDS).

Unauthorized Disclosure of Classified Information. Directs the Attorney General, in consultation with other relevant department heads, to conduct a comprehensive review of and report on the current protections against the unauthorized disclosure of classified information.

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.

Diplomatic Telecommunications Service Program Office. Suspends for one year the reorganization of the Diplomatic Telecommunications Service Program Office.

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.

National Security Agency. Authorizes the National Security Agency (NSA) to hire special police to protect the NSA headquarters.

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.

Cost to Taxpayers: Though no CBO estimate is available for the Conference Report, the unclassified portion of the Conference Report would authorize **\$200.3 million** in FY2002 appropriations. No cost estimate is available for the classified annex to the bill. Mandatory spending would be changed by “insignificant amounts,” according to CBO’s analysis of the House-passed bill, and would remain at current levels of about \$212 million. The provisions affecting mandatory spending in the House-passed bill are the same as in the Conference Report.

Does the Bill Create New Federal Programs or Rules?: Yes. The unclassified portion of the Conference Report would create a few new programs, require some new reports, and extend certain authorities. Otherwise, the Report would extend and/or increase 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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