



**H.R. 2082 - To authorize appropriations for fiscal year 2008 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**

**Floor Situation**

H.R. 2082 is being considered on the floor under a structured rule. The rule:

- Provides one hour of debate equally divided and controlled by the Chairman and Ranking Member of the Permanent Select Committee on Intelligence.
- Waives all points of consideration except for those arising under clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Makes in order only those amendments printed in the report accompanying the rule. Each amendment is debatable for 10 minutes.
- Provides one motion to recommit with or without instructions.

This legislation was introduced by Representative Silvestre Reyes (D-TX) on May 1, 2007. The bill was ordered to be reported from the Permanent Select Committee on Intelligence, by voice vote, on May 2, 2007.

H.R. 2082 is expected to be considered on January 22, 2007.

**Executive Summary**

H.R. 2082 is the authorization bill that sets the spending priorities of the intelligence community of the United States government for fiscal year 2008. Most of this bill remains classified and the summary provided below gives an account of the public sections of H.R. 2082. The bill contains several amendments of concerns to Republicans, including a National Intelligence Estimate on the effects of global warming on the national security of the United States and an earmark for that National Drug Intelligence Center despite several reports that it is duplicative.

*\*Note: This bill does not attempt to modernize or address the issue of FISA.*

## **Summary**

### Title I – Intelligence Activities

H.R. 2080 authorizes appropriations for intelligence and intelligence-related activities of the United States government for fiscal year 2008.

*\*Note: This is the public bill that accompanies the classified Schedule of Authorizations prepared in the bill H.R. 2082 of the One Hundred Tenth Congress. The amounts authorized remain classified, as does the majority of the bill.*

Funds for the following elements of the United States government are authorized to be appropriated for intelligence and intelligence-related activities:

- The Office of the Director of National Intelligence;
- The Central Intelligence Agency;
- The Department of Defense;
- The Defense Intelligence Agency;
- The National Security Agency;
- The Department of the Army, the Department of the Navy, and the Department of the Air Force;
- The Coast Guard;
- The Department of State;
- The Department of the Treasury;
- The Department of Energy;
- The Department of Justice;
- The Federal Bureau of Investigation;
- The Drug Enforcement Administration;
- The National Reconnaissance Office;
- The National Geospatial-Intelligence Agency; and,
- The Department of Homeland Security.

The amounts authorized in the Schedule of Authorizations will be made available to the Committees on Appropriations for both chambers and to the President. The President will provide for suitable distribution of the Schedule within the executive branch. The bill also authorizes personnel ceilings for fiscal year 2008.

The Director of National Intelligence may authorize employment of civilian personnel in excess of the personnel ceiling authorized above when it is deemed necessary. The number of excess civilian personnel may not exceed 2% of the number of civilian personnel authorized under such section for such element. The Director of the National Intelligence must inform the appropriate committees when this action is taken.

The bill authorizes appropriations for the Intelligence Community Management Account of the Director of National Intelligence in the amount of \$737,876,000 for fiscal year 2008 and 1035 full-time personnel.

The bill authorizes \$39 million in funds for the National Drug Intelligence Center (NDIC) in Johnstown, PA.

*\*Note: During committee markup, Republicans offered an amendment to terminate the funding for the NDIC (with the transfer of some functions). The amendment was defeated along a party line vote. Republicans also offered an amendment requiring the Department of Justice Inspector General to audit the programs of the NDIC to determine if they are duplicative or wasteful. This amendment was defeated along a party line vote.*

#### Title II – Central Intelligence Agency Retirement and Disability System

H.R. 2082 authorizes appropriations for the Central Intelligence Agency Retirement and Disability Fund the sum of \$262.5 million for fiscal year 2008.

#### Title III – Intelligence and General Intelligence Community Provisions

Pay, salary, retirement, and other benefits for Federal employees may be increased by additional or supplemental amounts required for increase by law.

Nothing in the Act may be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

The bill prohibits the Director of National Intelligence and the head of each element of the intelligence community may not implement a plan that provides compensation to personnel based on performance until 45 days after the Director submits a report on this issue.

The report on performance-based compensation for the intelligence community must include:

- An implementation time line, by phase and by element of the intelligence community, which includes target dates of completion;
- An estimated budget for the implementation of the performance-based compensation system;
- Written standards for measuring the performance of employees; and,
- A description of the performance-based compensation system, including budget oversight mechanisms to ensure sufficient funds to pay employees for bonuses.

The Director must submit to the appropriate Congressional committees a plan to increase the diversity in the intelligence community. The plan must include:

- A description of the long term and short term goals for the intelligence community;
- A description of how the plan will be implemented by each element of the intelligence community, taking into account the unique nature of individual elements of the intelligence community;
- Training and education programs for senior officials and managers; and,
- Performance metrics.

The Director may only obligate or expend 80% of the funds authorized to the Intelligence Community Management account until this plan is submitted to Congress.

#### Title IV – Matters Relating to Elements of the Intelligence Community

H.R. 2082 appoints the Director of the Director’s designee to the Transportation Security Oversight Board.

The bill requires the Director of Science and Technology Committee (“the Committee”) of the Office of the Director of National Intelligence to coordinate “and prioritize” advances in research and development related to intelligence. Development goals of the Committee now include:

- Assisting the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community.

The Director of Science and Technology must now:

- Systematically identify and assess the most significant intelligence challenges that require technical solutions;

- Examine options to enhance the responsiveness of research programs; and,
- Ensure that programs are designed to meet the technical requirements of the intelligence community.

By June 30, 2008, the Director must submit to Congress a classified report containing a strategy for the development and use of technology in the intelligence community through 2018. The report must include:

- An assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;
- Goals for basic, advanced, and applied research and development and a strategy to achieve such goals;
- An explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;
- A list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and,
- A plan to transition technology from research and development projects into National Intelligence Program acquisition programs.

The Director must establish a multi-level security clearance to more effectively use persons with proficiencies in foreign languages or cultural expertise that is essential to national security.

Within 270 days of enactment of this Act, the Director must report to Congress a national intelligence estimate on the anticipated geopolitical effects of global warming change and the effects on the national security of the United States. This national intelligence estimate must:

- Assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of enactment of this Act posed by global climate for countries or regions that are significant to the United States;
- Assess the capabilities of countries or regions to respond to adverse national security impacts caused by global climate change;
- Assess the strategic challenges and opportunities posed to the United States; and,
- Assess the impact of global climate change on the activities of the United States intelligence community throughout the world.

The bill requires the Director to file quarterly reports to Congress on the current capabilities and intentions of Iran and North Korea with regard to their nuclear programs. The report must include:

- An assessment of nuclear weapons programs;
- An evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence is based, including the number of sources and the reliability of each source;
- A summary of any new intelligence gathered or developed since the previous report, including intelligence collected from both open and clandestine sources; and,
- A discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the overall assessment.

H.R. 2082 requires an annual report from the Director pertaining to the foreign language proficiency in the intelligence community. The report must focus on the number of personnel in the intelligence community that have foreign language proficiency, the number of positions that require foreign language proficiency, and the efforts to recruit and train personnel in foreign languages.

This legislation authorizes the creation of a Deputy Director of the Central Intelligence Agency, who will be appointed by the President with the advice and consent of the Senate. The Deputy Director will:

- Assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director;
- Act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency; and,
- Be provided for pay at the Executive Schedule Level III (\$149, 200).

The Drug Enforcement Administration and the Coast Guard are authorized to take part in the functions of the Government relating to national security.

#### Title V – Other Matters

The bill requires the Secretary of Defense to study the capabilities of the Global Hawk RQ-4 unarmed aerial vehicle pertaining to the collection of data such as the U-2 aircraft program. The U-2 program cannot be terminated until the RQ-4 is on par with the capabilities of the U-2.

### **Amendments Made in Order Pursuant to the Rule**

- 1) Flake (R-AZ)** The amendment would strike subsection (b) of section 308, which places a restriction on community management funds until a strategic plan to increase diversity is submitted to the Intelligence Committees.
- 2) Rep. Hoekstra (R-MI)** The amendment would strike section 407, which requires that a National Intelligence Estimate on global climate change be submitted to Congress.
- 3) Rep. Holt (D-NJ)** The amendment would amend the reporting requirement in the Intelligence Identities Protection Act (codified in Sec. 603 of the National Security Act) to include a requirement that the President, based on information from the Director of National Intelligence, provide Congress with an assessment of the need for any modification to existing law to improve legal protection for covert agents.
- 4) Rep. Thompson (D-CA)** The amendment requires that the Office of the Director of National Intelligence submit a report to the Congressional Intelligence committees, no later than 120 days after enactment, that provides: (1) the number of collectors and analysts, by agency, and (2) a plan to maximize the number of collectors and decrease the number of personnel authorized to the Office of the Director of National Intelligence.
- 5) Reps. Rogers (R-MI)/Hastings (D-FL)** The amendment would place a limit on the number of personnel in the Office of the Director of National Intelligence (ODNI). ODNI would only be authorized the number of personnel as were serving in the office on May 1, 2007.
- 6) Rep. Fossella (R-NY)** The amendment authorizes \$5 million for a study conducted by DHS and the Director of National Intelligence to identify the best practices for sharing terrorist-threat information between the Federal, State, and local levels of government. It also authorizes \$10 million to establish centers of best practices based on the study with \$3 million authorized for the following five years to cover operational expenses of the centers.
- 7) Rep. Lee (D-CA)** The amendment requires a report to House and Senate Intelligence committees describing any authorization granted during the past 10 years to engage in intelligence activities related to the overthrow of a democratically elected government.
- 8) Rep. Price (D-NC)** The amendment would require the Director of National Intelligence to submit a report on the uses of contractors for personal services activities. The report would examine the functions currently performed by contractors, regulations regarding training and vetting standards, costs savings achieved by the use of contractors, and activities that are appropriate or inappropriate for performance by contractors.
- 9) Rep. Berkley (D-NV)** The amendment requires the Director of National Intelligence to submit to Congress a report on the advisability of providing Federal retirement benefits

to employees of Air America.

**10) Reps. Schiff (D-CA)/Flake (R-AZ)** The amendment states that the Foreign Intelligence Surveillance Act of 1978 (FISA) shall be the exclusive means by which domestic electronic surveillance for the purpose of gathering foreign intelligence information may be conducted, and makes clear that this applies until specific statutory authorization for electronic surveillance, other than as an amendment to FISA, is enacted.

### **Background**

Authorization and appropriation bills represent the paths to providing funding for the Federal government. An authorization bill sets the policies for which money will be spent, while an appropriation bill actually spends/appropriates the money for the policies.

There is no typical path or requirement for the authorization and appropriations bills to come before Congress. An authorization bill may pass the House before or after the appropriations bill dealing with the same agency and the House and Senate may act at different times on the different bills.

The House normally passes the authorization bills for the intelligence community, and has done so annually in the last 4 Congresses (and also prior to that). The Senate occasionally acts on the intelligence authorization bills.

The vast majority of the authorized spending remains classified. However in 1997 and 1998, President Clinton released for the first and only time, the total amount of appropriations for the intelligence community.

### **Cost**

“This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that implementing certain provisions of the bill would cost \$406 million in 2008 and approximately \$730 million over the 2008-2012 period, assuming appropriation of the authorized funds. Enacting H.R. 2082 would not affect direct spending or revenues.” CBO Cost Estimate

<http://www.cbo.gov/ftpdocs/80xx/doc8072/hr2082.pdf>

### **Additional Information**

[Press Release from the Ranking Member Hoekstra](#)

### **Staff Contact**

For questions or further information contact Chris Vieson at (202) 226-2302.

