

S 2386

Intelligence Authorization Act for Fiscal Year 2005

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: May 5, 2004

Current Status: See also H.R. 4548.

Latest Action: See also H.R. 4548. (Oct 11, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/2386>

Sponsor

Name: Sen. Roberts, Pat [R-KS]

Party: Republican • **State:** KS • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported By	Jul 8, 2004
Intelligence (Select) Committee	Senate	Reported Original Measure	May 5, 2004

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
108 HR 4548	Related document	Dec 23, 2004: Became Public Law No: 108-487.

Intelligence Authorization Act for Fiscal Year 2005 - **Title I: Intelligence Activities** - (Sec. 101) Authorizes appropriations for FY 2005 for the conduct of intelligence and intelligence-related activities of the: (1) Central Intelligence Agency (CIA); (2) Department of Defense (DOD); (3) Defense Intelligence Agency; (4) National Security Agency; (5) Departments of the Army, Navy, and Air Force; (6) Departments of State, the Treasury, Energy, and Justice; (7) Federal Bureau of Investigation; (8) National Reconnaissance Office; (9) National Geospatial-Intelligence Agency; (10) Coast Guard; and (11) Department of Homeland Security.

(Sec. 102) Specifies that the amounts authorized and the authorized personnel ceilings as of September 30, 2005, for such activities are those specified in the classified Schedule of Authorizations, which shall be made available to the Senate and House Appropriations Committees and the President.

(Sec. 103) Allows the Director of Central Intelligence (DCI), with the approval of the Director of the Office of Management and Budget, to authorize employment of civilian personnel in excess of the number authorized for FY 2005 (by not more than two percent) when necessary to the performance of important intelligence functions. Requires notification of the congressional intelligence committees.

(Sec. 104) Authorizes appropriations for the Intelligence Community Management Account of the DCI for FY 2005 as well as for full-time personnel for elements within such Account. Earmarks a specified amount of such funds for the National Drug Intelligence Center.

(Sec. 105) Incorporates into this Act each requirement to submit a report to the intelligence committees that is included in the joint explanatory statement to accompany the conference report on this bill, or in the classified annex to this Act.

(Sec. 106) Deems specifically authorized for such purposes any funds appropriated for an intelligence or intelligence-related activity for FY 2004 in excess of the amount specified for such activity in its classified Schedule of Authorizations.

(Sec. 107) Requires the DCI to ensure that any report, review, study, or plan required by this Act that involves the intelligence or intelligence-related activities of DOD or the Department of Energy is prepared or conducted in consultation with the Secretary of Defense or Energy, as appropriate. Requires any such report, review, study, or plan to be submitted, in addition to any other committee specified in the provision concerned, to the congressional armed services and intelligence committees and the subcommittees on defense of the appropriations committees.

Title II: Central Intelligence Agency Retirement and Disability System - (Sec. 201) Authorizes appropriations for FY 2005 for the Central Intelligence Agency Retirement and Disability Fund.

Title III: General Provisions - (Sec. 301) Permits appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees to be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

(Sec. 302) Specifies that the authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

(Sec. 304) Includes as a "foreign power," for purposes of the Foreign Intelligence Surveillance Act of 1978, any person other than a U.S. person who engages in international terrorism or activities in preparation therefor.

(Sec. 305) Amends the above Act to require the Attorney General to report annually to the intelligence and judiciary

committees on non-U.S. persons targeted under the authority of such Act for electronic surveillance, physical searches, pen registers, and access to records, as well as information on the subsequent use of the results of such activities.

(Sec. 306) Requires the DCI to submit to Congress an intelligence assessment that identifies and describes each country or region that is a sanctuary for terrorists or terrorist organizations. Requires the assessment to be based on current all-source intelligence.

(Sec. 307) Amends the Intelligence Authorization Act for Fiscal Year 2003 to extend until September 1, 2005, the deadline for the final report of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

(Sec. 308) Amends the Public Interest Declassification Act of 2000 to extend through December 27, 2008, the authority and activities of the Public Interest Declassification Board.

Title IV: Central Intelligence Agency - (Sec. 401) Makes permanent (currently expires after September 30, 2003) the CIA voluntary separation incentive program.

Amends the Central Intelligence Agency Act of 1949 to authorize the DCI to take certain actions to: (1) protect from unauthorized disclosure intelligence operations, the identities of undercover intelligence officers, intelligence sources and methods, or intelligence cover mechanisms; or (2) meet special requirements of work related to the collection of foreign intelligence or other authorized activities. Authorizes the DCI, as part of such actions, to: (1) pay a designated employee additional compensation; (2) establish and administer a nonofficial cover employee retirement system for designated employees, or allow an employee to convert to coverage under the Federal retirement system; (3) establish and administer a nonofficial cover employee health insurance program, or allow an employee to convert to the Federal Employees Health Benefits Program; (4) establish and administer a nonofficial cover employee life insurance program, or allow an employee to convert to the Federal Employees Group Life Insurance Program; (5) exempt a designated employee from mandatory compliance with any Federal regulation, rule, standardized administrative policy, process, or procedure that the DCI determines would be inconsistent with the nonofficial cover of the employee and could expose that employee to detection as a Federal employee; or (6) allow a designated employee to file a Federal or State tax return as if that employee is not a Federal employee.

Title V: Department of Defense Intelligence Matters - (Sec. 501) Allows funds designated for FY 2005 for assistance to the Government of Colombia for counterdrug activities to be used: (1) to support a campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations; and (2) to protect human health and welfare in emergency circumstances, including rescue operations. Prohibits, under such authority, the participation of any U.S. Armed Forces personnel or U.S. civilian contractor employed by the Armed Forces in any combat operation, except for acting in self defense or during the course of search and rescue operations for U.S. citizens.

Actions Timeline

- **Oct 11, 2004:** Measure laid before Senate by unanimous consent. (consideration: CR S11267-11271; text of measure as reported in Senate: CR S11267-11271)
- **Oct 11, 2004:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.
- **Oct 11, 2004:** Passed Senate with amendments by Unanimous Consent.
- **Oct 11, 2004:** Senate incorporated this measure in H.R. 4548 as an amendment.
- **Oct 11, 2004:** See also H.R. 4548.
- **Jul 8, 2004:** Committee on Armed Services. Reported by Senator Warner with amendments. With written report No. 108-300.
- **Jul 8, 2004:** Committee on Armed Services. Reported by Senator Warner with amendments. With written report No. 108-300.
- **Jul 8, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 619.
- **May 7, 2004:** Referred to the Committee on Armed Services pursuant to Section 3(b) of S.Res. 400, 94th Congress, for a period not to exceed 30 days of session.
- **May 6, 2004:** Star Print ordered on the reported bill.
- **May 5, 2004:** Introduced in Senate
- **May 5, 2004:** Committee on Intelligence ordered to be reported an original measure.
- **May 5, 2004:** Committee on Intelligence. Original measure reported to Senate by Senator Roberts. Without written report.
- **May 5, 2004:** Committee on Intelligence. Original measure reported to Senate by Senator Roberts. Without written report.
- **May 5, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 499.
- **May 5, 2004:** By Senator Roberts from Committee on Intelligence filed written report. Report No. 108-258.
- **May 5, 2004:** By Senator Roberts from Committee on Intelligence filed written report. Report No. 108-258.