

HR 4548

Intelligence Authorization Act for Fiscal Year 2005

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Jun 14, 2004

Current Status: Became Public Law No: 108-487.

Latest Action: Became Public Law No: 108-487. (Dec 23, 2004)

Law: 108-487 (Enacted Dec 23, 2004)

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Sponsor

Name: Rep. Goss, Porter J. [R-FL-14]

Party: Republican • State: FL • Chamber: House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Permanent Select) Committee	House	Reported By	Jun 21, 2004
Intelligence (Select) Committee	Senate	Discharged From	Oct 11, 2004

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
108 S 2386	Related document	Oct 11, 2004: See also H.R. 4548.
108 HRES 686	Procedurally related	Jun 23, 2004: Motion to reconsider laid on the table Agreed to without objection.

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 (NSA); (5) Departments of the Army, Navy, and Air Force; (6) Departments of State, the Treasury, Energy, and Justice; (7) Federal Bureau of Investigation (FBI); (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 National Intelligence (DNI), 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 (ICM) Account of the DNI 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, through FY 2005, 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 DNI 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. 303) Amends the National Security Act of 1947 to establish within the Office of the DNI a Chief Information Officer to assist the DNI and to serve as the Chief Information Officer of the intelligence community (IC).

(Sec. 304) Amends the Intelligence Authorization Act for Fiscal Year 2003 to direct that the National Virtual Translation Center established under such Act provide for the timely and accurate translation of foreign intelligence for all IC elements. Provides for the location for the discharge of Center functions.

(Sec. 305) Requires the DNI to submit to Congress an assessment that identifies and describes each country or region that is a sanctuary for terrorists or terrorist organizations.

(Sec. 306) Expresses the sense of Congress that the head of each IC element, including the CIA, FBI, and appropriate officials in the Departments of Defense, State, and the Treasury, should make available upon appropriate congressional request any information and documents in connection with any congressional investigation of the Office of the Iraq Oil-for-Food Program of the United Nations.

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 Director of Central Intelligence (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 any designated employee under nonofficial cover (a designated employee) additional compensation; (2) establish and administer a nonofficial cover employee retirement system for designated employees, or allow designated employees to convert to coverage under the Federal retirement system; (3) establish and administer a nonofficial cover employee health insurance program, or allow a designated employee to convert to the Federal Employees Health Benefits Program; (4) establish and administer a nonofficial cover employee life insurance program, or allow a designated 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) Amends the National Security Agency Act of 1959 to establish the National Security Agency Emerging Technologies Panel to study, assess, and advise the NSA Director on the research, development, and application of existing and emerging science and technology advances, advances in encryption, and other topics.

(Sec. 502) Allows funds designated for FY 2005 or 2006 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 in connection with such assistance, except for acting in self defense or during the course of search and rescue operations for U.S. citizens.

Title VI: Education - Subtitle A: National Security Education Program - (Sec. 601) Amends the David L. Boren

National Security Education Act of 1991 to require the DNI to transfer specified amounts to the Secretary of Education, from amounts appropriated for the ICM Account for each fiscal year beginning with 2005, to carry out national security education scholarship, fellowship, and grant programs authorized under such Act. Requires students receiving such scholarship, fellowship, or grant assistance to enter into a service agreement with the head of the IC element providing the assistance to serve two years for each year of assistance provided, and to reimburse the United States with respect to obligated service not completed. Authorizes the appropriate IC head to release an employee from the reimbursement obligation when equity or the interests of the United States so require. Directs the Secretary of Defense to take appropriate steps to increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative to establish, operate, or improve activities designed to train such students.

(Sec. 603) Authorizes the Secretary of Defense, as part of the national security education program, to award scholarships to U.S. citizens who: (1) are native speakers of a foreign language identified as critical to U.S. national security; and (2) are not proficient at a professional level in the English language, in order to enable such students to pursue English studies at U.S. institutions of higher education to attain professional proficiency. Requires such students to enter into a service agreement to work in an appropriate national security position thereafter. Requires the DNI to transfer funds from the ICM Account to the Secretary of Defense, beginning with the 2005 fiscal year, to carry out such student training program.

Subtitle B: Improvements in Intelligence Community Foreign Language Skills - (Sec. 611) Prohibits an individual from being appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or Directorate of Operations of the CIA unless the DCI determines that such individual is: (1) certified as having a professional speaking and reading proficiency in a foreign language; and (2) able to communicate the priorities of the United States and exercise influence in that foreign language. Requires the DCI to report to Congress on any appointments that should be exempt from such language requirement.

(Sec. 612) Authorizes the Secretary of Defense and DNI to jointly carry out a program to advance foreign language skills in languages that are critical to the capability of the IC to carry out U.S. national security objectives. Requires the Secretary and DNI to determine actions required to improve the education of IC personnel in such critical foreign languages. Authorizes the head of an IC element to enter into one or more educational partnerships with educational institutions to enhance such language study, with assistance provided to institutions providing such education. Outlines program and partnership requirements and limitations. Authorizes the DNI to assign IC employees in analyst positions requiring foreign language expertise as students at accredited professional, technical, or other institutions for training at the graduate or undergraduate level in foreign languages required to conduct the duties and responsibilities of such positions. Authorizes the DNI to reimburse students for education and training costs.

(Sec. 613) Directs the DNI to conduct a three-year pilot project to assess the feasibility and advisability of establishing a Civilian Linguist Reserve Corps comprised of U.S. citizens with advanced levels of proficiency in foreign languages who would be available upon the call of the DNI to perform in the IC such service or duties with respect to such languages as the DNI may specify. Requires the DNI to submit to Congress an initial and final report on the pilot project. Authorizes appropriations.

(Sec. 614) Requires the DNI to report to Congress on the status, consolidation, and improvement of intelligence education programs.

(Sec. 615) Directs the Secretary of Defense to: (1) study methods to improve the recruitment and retention of qualified foreign language instructors at the Foreign Language Center of the Defense Language Institute (including expediting

lawful admission status for alien instructors); and (2) report study results to the intelligence and defense committees.

Title VII: Terrorism Matters - (Sec. 701) Amends the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 to require the inclusion, in annual State Department reports on terrorism, of information on terrorist groups that have or seek weapons of mass destruction as well as groups that have been designated as foreign terrorist organizations.

Title VIII: Other Matters - (Sec. 803) Provides transitional provisions relating to the discharge of certain functions and authorities between the enactment of this Act and the date of appointment of the DNI under provisions of the National Security Act of 1947.

Actions Timeline

- **Dec 23, 2004:** Signed by President.
- **Dec 23, 2004:** Signed by President.
- **Dec 23, 2004:** Became Public Law No: 108-487.
- **Dec 23, 2004:** Became Public Law No: 108-487.
- **Dec 16, 2004:** Presented to President.
- **Dec 16, 2004:** Presented to President.
- **Dec 9, 2004:** Message on Senate action sent to the House.
- **Dec 8, 2004:** Conference papers: Senate report and manager's statement and message on House action held at the desk in Senate.
- **Dec 8, 2004:** Conference report agreed to in Senate: Senate agreed to conference report by Unanimous Consent Vote.(consideration: CR S12020)
- **Dec 8, 2004:** Senate agreed to conference report by Unanimous Consent Vote. (consideration: CR S12020)
- **Dec 7, 2004:** The Speaker appointed conferees - from the Permanent Select Committee on Intelligence for consideration of the House bill and the Senate amendment, and modifications committed to conference: Hoekstra, Boehlert, Gibbons, LaHood, Cunningham, Burr, Everett, Gallegly, Collins, Davis, Jo Ann, Thornberry, Harman, Hastings (FL), Reyes, Boswell, Peterson (MN), Cramer, Eshoo, Holt, and Ruppertsberger.
- **Dec 7, 2004:** The Speaker appointed conferees - from the Committee on Armed Services for consideration of defense tactical intelligence and related activities: Hunter, Weldon (PA), and Skelton.
- **Dec 7, 2004:** Conference committee actions: Conferees agreed to file conference report.
- **Dec 7, 2004:** Conferees agreed to file conference report.
- **Dec 7, 2004:** Conference report filed: Conference report H. Rept. 108-798 filed.(text of conference report: CR H11030-11039)
- **Dec 7, 2004:** Conference report H. Rept. 108-798 filed. (text of conference report: CR H11030-11039)
- **Dec 7, 2004:** Mr. Hoekstra asked unanimous consent for consideration of the conference report, H. Rept. 108-798. (consideration: CR H11039)
- **Dec 7, 2004:** Conference report agreed to in House: On agreeing to the conference report Agreed to without objection.
- **Dec 7, 2004:** On agreeing to the conference report Agreed to without objection.
- **Dec 7, 2004:** Motions to reconsider laid on the table Agreed to without objection.
- **Oct 16, 2004:** Senate insists on its amendment, asks for a conference, appoints conferees Roberts; Hatch; DeWine; Bond; Lott; Snowe; Hagel; Chambliss; Warner; Rockefeller; Levin; Feinstein; Wyden; Durbin; Bayh; Edwards; Mikulski.
- **Oct 16, 2004:** Message on Senate action sent to the House.
- **Oct 11, 2004:** Senate Committee on Intelligence discharged by Unanimous Consent.
- **Oct 11, 2004:** Senate Committee on Intelligence discharged by Unanimous Consent.
- **Oct 11, 2004:** Measure laid before Senate by unanimous consent. (consideration: CR S11331-11332)
- **Oct 11, 2004:** Senate incorporated S. 2386 in this measure as an amendment.
- **Oct 11, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Oct 11, 2004:** Passed Senate with an amendment by Unanimous Consent.
- **Oct 11, 2004:** See also S. 2386.
- **Jun 24, 2004:** Received in the Senate and Read twice and referred to the Select Committee on Intelligence.
- **Jun 23, 2004:** Rule H. Res. 686 passed House.
- **Jun 23, 2004:** Considered under the provisions of rule H. Res. 686. (consideration: CR H4824-4855, CR 6/24/2004 H4859-4880; text of measure as reported in House: CR H4834-4839)
- **Jun 23, 2004:** Rule provides for consideration of H.R. 4548 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions.
- **Jun 23, 2004:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 686 and Rule XVIII.
- **Jun 23, 2004:** The Speaker designated the Honorable Michael K. Simpson to act as Chairman of the Committee.
- **Jun 23, 2004:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 4548.
- **Jun 23, 2004:** DEBATE - Pursuant to House Resolution 686, the Committee of the Whole proceeded with ten minutes of debate on the Goss amendment.

- Jun 23, 2004:** DEBATE - Pursuant to House Resolution 686, the Committee of the Whole proceeded with twenty minutes of debate on the Gallegly amendment.
- **Jun 23, 2004:** DEBATE - Pursuant to House Resolution 686, the Committee of the Whole proceeded with twenty minutes of debate on the Boehlert amendment, as modified.
 - **Jun 23, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Boehlert amendment, as modified, the Chair put the question on adoption of the amendment, as modified, and by voice vote, announced that the ayes had prevailed. Mr. Boehlert demanded a recorded vote and made a point of no quorum. Pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment, as modified, until later in the legislative day and the point of no quorum was considered as withdrawn.
 - **Jun 23, 2004:** DEBATE - Pursuant to House Resolution 686, the Committee of the Whole proceeded with twenty minutes of debate on the Johnson (TX) amendment.
 - **Jun 23, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Johnson (TX) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Johnson (TX) demanded a recorded vote and made a point of no quorum. Pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day and the point of no quorum was considered as withdrawn.
 - **Jun 23, 2004:** DEBATE - Pursuant to House Resolution 686, the Committee of the Whole proceeded with twenty minutes of debate on the Rogers (MI) amendment.
 - **Jun 23, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Rogers (MI) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Rogers (MI) demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Jun 23, 2004:** DEBATE - Pursuant to House Resolution 686, the Committee of the Whole proceeded with ten minutes of debate on the Ackerman amendment.
 - **Jun 23, 2004:** DEBATE - Pursuant to House Resolution 686, the Committee of the Whole proceeded with twenty minutes of debate on the Shays amendment.
 - **Jun 23, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Shays amendment the Chair put the question of adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Shays demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Jun 23, 2004:** DEBATE - Pursuant to the provisions of H. Res. 686, the Committee of the Whole proceeded with 10 minutes of debate on the Kucinich amendment.
 - **Jun 23, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Kucinich amendment the Chair put the question of adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Kucinich demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Jun 23, 2004:** DEBATE - Pursuant to the provisions of H. Res. 686, the Committee of the Whole proceeded with 10 minutes of debate on the Simmons amendment.
 - **Jun 23, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Simmons amendment the Chair put the question of adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Simmons demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Jun 23, 2004:** DEBATE - Pursuant to the provisions of H. Res. 686, the Committee of the Whole proceeded with 20 minutes of debate on the Reyes amendment.
 - **Jun 23, 2004:** Mr. Dicks moved to strike the enacting clause.
 - **Jun 23, 2004:** Floor summary: DEBATE - The Committee of the Whole proceeded with 10 minutes of debate on the preferential motion to strike the enacting clause.
 - **Jun 23, 2004:** On motion to strike the enacting clause Failed by voice vote.
 - **Jun 23, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Reyes amendment the Chair put the question of adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Reyes demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
 - **Jun 23, 2004:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.

- **Jun 23, 2004:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4548.
- **Jun 23, 2004:** The previous question was ordered pursuant to the rule.
- **Jun 23, 2004:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Jun 23, 2004:** Mr. Peterson (MN) moved to recommit with instructions to Intelligence (Permanent). (consideration: CR 6/24/2004 H4877-4879; text: CR CR 6/24/2004 H4877)
- **Jun 23, 2004:** DEBATE - The House proceeded with 10 minutes of debate on the Peterson (MN) motion to recommit with instructions. The instructions contained in the motion seek to add a new section providing for an increase in authorization levels to fully fund the National Foreign Intelligence Program.
- **Jun 23, 2004:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR 6/24/2004 H4878)
- **Jun 23, 2004:** On motion to recommit with instructions Failed by the Yeas and Nays: 197 - 224 (Roll no. 299).
- **Jun 23, 2004:** Passed/agreed to in House: On passage Passed by recorded vote: 360 - 61 (Roll no. 300).
- **Jun 23, 2004:** On passage Passed by recorded vote: 360 - 61 (Roll no. 300).
- **Jun 23, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 23, 2004:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 4548.
- **Jun 22, 2004:** Rules Committee Resolution H. Res. 686 Reported to House. Rule provides for consideration of H.R. 4548 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions.
- **Jun 21, 2004:** Reported (Amended) by the Committee on Intelligence (Permanent). H. Rept. 108-558.
- **Jun 21, 2004:** Reported (Amended) by the Committee on Intelligence (Permanent). H. Rept. 108-558.
- **Jun 21, 2004:** Placed on the Union Calendar, Calendar No. 324.
- **Jun 16, 2004:** Committee Consideration and Mark-up Session Held.
- **Jun 16, 2004:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 14, 2004:** Introduced in House
- **Jun 14, 2004:** Introduced in House
- **Jun 14, 2004:** Referred to the House Committee on Intelligence (Permanent Select).