

## HR 1892

Intelligence Authorization Act for Fiscal Year 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Armed Forces and National Security

**Introduced:** May 13, 2011

**Current Status:** Became Public Law No: 112-87.

**Latest Action:** Became Public Law No: 112-87. (Jan 3, 2012)

**Law:** 112-87 (Enacted Jan 3, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/1892>

### Sponsor

**Name:** Rep. Rogers, Mike J. [R-MI-8]

**Party:** Republican • **State:** MI • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Permanent Select) Committee	House	Reported By	Sep 2, 2011

### Subjects & Policy Tags

**Policy Area:**

Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
112 HR 5743	Related bill	<b>Jun 5, 2012:</b> Received in the Senate and Read twice and referred to the Select Committee on Intelligence.
112 HRES 392	Procedurally related	<b>Sep 8, 2011:</b> Motion to reconsider laid on the table Agreed to without objection.
112 HR 754	Related bill	<b>Jun 8, 2011:</b> Became Public Law No: 112-18.
112 S 719	Related bill	<b>Apr 4, 2011:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 25.

**(This measure has not been amended since it was passed by the Senate on December 14, 2011. The summary of that version is repeated here.)**

Intelligence Authorization Act for Fiscal Year 2012 - **Title I: Intelligence Activities** - (Sec. 101) Authorizes appropriations for FY2012 for the conduct of intelligence and intelligence-related activities of the: (1) Office of the Director of National Intelligence (DNI); (2) Central Intelligence Agency (CIA); (3) Department of Defense (DOD); (4) Defense Intelligence Agency (DIA); (5) National Security Agency (NSA); (6) Departments of the Army, Navy, and Air Force; (7) Coast Guard; (8) Departments of State, the Treasury, Energy (DOE), and Justice (DOJ); (9) Federal Bureau of Investigation (FBI); (10) Drug Enforcement Administration (DEA); (11) National Reconnaissance Office; (12) National Geospatial-Intelligence Agency; and (13) Department of Homeland Security (DHS).

(Sec. 102) Specifies that the amounts authorized and the authorized personnel ceilings as of September 30, 2012, for such activities are those specified in the classified Schedule of Authorizations, which shall be made available to the congressional appropriations committees and the President.

(Sec. 103) Allows the DNI to authorize employment of civilian personnel in excess of the number authorized for FY2012 (by not more than 3%) when necessary for the performance of important intelligence functions. Authorizes the DNI to employ additional personnel to convert to performance by intelligence community (IC) personnel activities currently performed by contractor employees. Requires notification of the congressional intelligence committees in either case. Requires the DNI to establish guidelines to govern the treatment under authorized personnel levels of employment or assignment in: (1) a student program, trainee program, or similar program; (2) a reserve corps or as a reemployed annuitant; or (3) details, joint duty, or long term, full-time training.

(Sec. 104) Authorizes appropriations for the Intelligence Community Management Account for FY2012, as well as for full-time personnel for elements within such Account.

**Title II: Central Intelligence Agency Retirement and Disability System** - (Sec. 201) Authorizes appropriations for FY2012 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 necessary for increases in such compensation or benefits authorized by law.

(Sec. 302) Prohibits the authorization of appropriations by this Act from being deemed to constitute authority to conduct any intelligence activity not otherwise authorized by the Constitution or laws of the United States.

(Sec. 303) Amends the National Security Act of 1947 to require the head of each element of the intelligence community (IC) to submit annually to the intelligence committees the number of personnel hired that were at any time a recipient of a grant or scholarship under the David L. Boren National Security Education Act of 1991.

(Sec. 304) Allows the DNI, in order to carry out intelligence functions, to: (1) convert competitive service positions within an IC element to excepted service positions, and (2) establish new excepted service positions within an IC element.

(Sec. 305) Requires the DNI to provide to the President and the intelligence and foreign relations committees an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement

which shall include a complete analysis of the country's export control system with respect to nuclear-related matters.

(Sec. 306) Requires, for IC major system acquisitions requiring a service or capability from another acquisition or program to deliver end-to-end functionality for IC end users, independent cost estimates to include all estimated costs to develop, acquire, procure, operate, and sustain the system across all pertinent IC elements.

(Sec. 307) Requires the DNI, at least semiannually, to update and make publicly available an unclassified summary relating to terrorist recidivism of former detainees at Naval Station Guantanamo Bay, Cuba.

(Sec. 308) Directs the President, at least 30 days before the transfer or release of an individual detained at Naval Station Guantanamo Bay, Cuba, as of June 24, 2009, to their country of origin, last residence, or any other country, to provide to Congress the name of the detainee, the country of transfer, and the terms of any agreement for that country's acceptance of such individual.

(Sec. 309) Authorizes the heads of IC elements outside of DOD, in conducting intelligence and intelligence-related activities, to: (1) take certain procurement actions with respect to information technology in order to reduce the risk of loss of integrity which could result in a supply chain risk for an IC information system; and (2) limit the disclosure of information concerning the basis for taking such actions. Requires any IC element head, before taking such action, to: (1) determine that the use of such authority is necessary to protect national security by reducing supply chain risk and that less intrusive measures are not reasonably available, and (2) notify the DNI and the intelligence committees of such determination. Terminates such authority on January 7, 2014.

(Sec. 310) Authorizes the head of an agency or department containing an IC element to pay a burial allowance to the estate of an individual who served as a civilian officer or employee of that agency or department, died as a result of an injury incurred during such service, and whose death resulted from terrorist activities or in connection with an intelligence activity having a substantial element of risk. Provides burial allowance limits. Requires a report from the Director of the Office of Personnel Management (OPM) to Congress on the feasibility of implementing legislation to provide an allowance which adequately addresses the cost of such expenses when a federal officer or employee dies under such circumstances.

(Sec. 311) Amends the Intelligence Reform and Terrorism Prevention Act of 2004 and specified prior intelligence authorization Acts to eliminate, reduce, or modify certain congressional report requirements.

(Sec. 312) Requires the DNI to direct his Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by IC elements during the 12-month period beginning on the date of enactment of this Act. Directs the DNI, after the study, to report to the intelligence committees on review results, along with any actions taken to implement Advisory Group recommendations.

**Title IV: Matters Relating to Elements of the Intelligence Community - Subtitle A: Office of the Director of National Intelligence** - (Sec. 401) Requires the DNI to: (1) consult with the heads of the federal land management agencies on appropriate actions to assist such agencies in responding to the threat from international or other drug trafficking organizations that are currently using or have previously used U.S. public lands to further their operations, and (2) report consultation results to the intelligence and judiciary committees.

(Sec. 402) Provides that, for FY2010-FY2012, the federal requirement to submit an audited financial statement shall not apply to the Office of the Director of National Intelligence (Office) if the DNI determines and notifies Congress that such statements cannot be produced on a cost-effective basis.

(Sec. 403) Directs the DNI to establish and maintain on the Office public website information on the Office of the Inspector General of the Intelligence Community, including means of contact.

(Sec. 404) Places at Level IV of the Executive Schedule the position of Chief Information Officer of the Intelligence Community.

(Sec. 405) Authorizes the President to make temporary appointments within the Office from individuals within other IC elements.

**Subtitle B: Central Intelligence Agency -** (Sec. 411) Authorizes the CIA Director to accept gifts for the welfare of CIA employees injured in the line of duty without the requirement that such gifts be used for the general welfare of all CIA employees. Allows such gifts to be used to assist the dependents or survivors of CIA officers or employees who die as a result of hostile or terrorist activities or in connection with an at-risk intelligence activity. Requires regulations covering such gift acceptance to be consistent with all relevant ethical constraints and principles, including the avoidance of any prohibited conflict of interest or appearance of impropriety. Prohibits the acceptance of any such gift from a foreign government or agent thereof.

(Sec. 412) Revises provisions concerning foreign language proficiency requirements for certain CIA personnel to establish such proficiency at level 3 on the Interagency Language Roundtable Language Skills Level or a commensurate level using such proficiency indicators as the CIA Director considers appropriate. Requires such Director to report to the intelligence committees on the number of personnel who were transferred to the Directorate of Intelligence or National Clandestine Service career service and did not meet the language proficiency requirements at the time of transfer.

(Sec. 413) Requires the CIA to establish and maintain on its public website information relating to the CIA Office of the Inspector General, including means of contact.

(Sec. 414) Expresses the sense of Congress that it is vitally important that the United States memorialize all the events that led to the raid that killed Osama bin Laden on May 1, 2011. Requires the CIA Director to submit to the intelligence committees a report that documents the history and lessons learned from such raid.

(Sec. 415) Requires the OPM Inspector General to: (1) carry out a study of the personnel authorities and benefits of the CIA's Office of the Inspector General, and (2) submit to the intelligence and government affairs committees recommendations based on study results. Provides funding.

**Subtitle C: National Security Agency -** (Sec. 421) Empowers NSA security personnel to transport apprehended individuals from NSA premises to law enforcement officials within a 30-mile radius.

**Subtitle D: Other Elements -** (Sec. 431) Includes DHS's Office of Intelligence and Analysis within the definition of "intelligence community."

(Sec. 432) Authorizes FBI employees to participate in a DOJ leave bank program, as long as the FBI Director determines that such participation will not adversely affect the protection of intelligence sources and methods.

(Sec. 433) Provides for the transfer of funds for use by DOD intelligence elements.

(Sec. 434) Requires the DNI and the Under Secretary of Defense for Intelligence to report to the intelligence and defense committees on training standards of the defense intelligence workforce.

**Title V: Other Matters** - (Sec. 501) Directs the Secretary of Homeland Security to report to the intelligence and homeland security committees on whether air space restrictions are hampering the DHS use of unmanned aerial vehicles along the U.S.-Mexico border.

(Sec. 502) Expresses the sense of Congress that, 10 years after the September 11, 2001, terrorist attacks upon the United States, the Secretary of Homeland Security should continue to integrate and utilize fusion centers to enlist all U.S. intelligence, law enforcement, and homeland security capabilities to prevent future acts of terrorism against the United States.

(Sec. 503) Requires the DNI and the Secretary of Defense to: (1) establish a coordinated strategy to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improvised explosive devices, (2) submit the strategy to the intelligence and defense committees, and (3) implement the strategy.

(Sec. 504) Expresses the sense of Congress that: (1) the nation's railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the IC to identify, monitor, and respond to threats; (2) the DHS Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and (3) railway transportation security should continue to be prioritized in the critical infrastructure threat assessment developed by such Office and included in threat assessment budgets of the IC.

## Actions Timeline

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- **Jan 3, 2012:** Signed by President.
- **Jan 3, 2012:** Became Public Law No: 112-87.
- **Dec 23, 2011:** Presented to President.
- **Dec 16, 2011:** Mr. Rogers (MI) moved that the House suspend the rules and agree to the Senate amendment. (consideration: CR H9801-9810, H9821-9822)
- **Dec 16, 2011:** DEBATE - The House proceeded with forty minutes of debate on agreeing to the Senate amendment to H.R. 1892.
- **Dec 16, 2011:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the chair announced that further proceedings on the motion would be postponed.
- **Dec 16, 2011:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by the Yeas and Nays: (2/3 required): 396 - 23 (Roll no. 939).(text as House agreed to Senate amendment: CR H9801-9807)
- **Dec 16, 2011:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by the Yeas and Nays: (2/3 required): 396 - 23 (Roll no. 939). (text as House agreed to Senate amendment: CR H9801-9807)
- **Dec 16, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 15, 2011:** Message on Senate action sent to the House.
- **Dec 14, 2011:** Measure laid before Senate by unanimous consent. (consideration: CR S8611-8617)
- **Dec 14, 2011:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Dec 14, 2011:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 12, 2011:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 161.
- **Sep 9, 2011:** Considered under the provisions of rule H. Res. 392. (consideration: CR H6014-6032)
- **Sep 9, 2011:** Rule provides for consideration of H.R. 2218 and H.R. 1892 each with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measures will be considered read. Specified amendments are in order.
- **Sep 9, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 392 and Rule XVIII.
- **Sep 9, 2011:** The Speaker designated the Honorable Candice S. Miller to act as Chairwoman of the Committee.
- **Sep 9, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1892.
- **Sep 9, 2011:** DEBATE - Pursuant to the provisions of H. Res. 392, the Committee of the Whole proceeded with 10 minutes of debate on the Rogers (MI) Part B amendment No. 1, as modified.
- **Sep 9, 2011:** DEBATE - Pursuant to the provisions of H. Res. 392, the Committee of the Whole proceeded with 10 minutes of debate on the Wolf Part B amendment No. 2, as modified.
- **Sep 9, 2011:** DEBATE - Pursuant to the provisions of H. Res. 392, the Committee of the Whole proceeded with 10 minutes of debate on the Holt Part B amendment No. 5.
- **Sep 9, 2011:** DEBATE - Pursuant to the provisions of H. Res. 392, the Committee of the Whole proceeded with 10 minutes of debate on the Hunter Part B amendment No. 6.
- **Sep 9, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hunter amendment No. 6, 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 the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 9, 2011:** DEBATE - Pursuant to the provisions of H. Res. 392, the Committee of the Whole proceeded with 10 minutes of debate on the Carney Part B amendment No. 7.
- **Sep 9, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Carney amendment No. 7, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Carney demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 9, 2011:** DEBATE - Pursuant to the provisions of H. Res. 392, the Committee of the Whole proceeded with 10 minutes of debate on the Keating Part B amendment No. 9.
- **Sep 9, 2011:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.

- **Sep 9, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1892.
- **Sep 9, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H6032)
- **Sep 9, 2011:** POSTPONED PROCEEDINGS - Pursuant to clause 1(c) of rule 19, the Chair postponed further proceedings on H. R. 1892 until a time to be announced.
- **Sep 9, 2011:** Considered as unfinished business. (consideration: CR H6033-6035)
- **Sep 9, 2011:** 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. (text of amendment in the nature of a substitute: CR H6019-6025)
- **Sep 9, 2011:** Ms. Hochul moved to recommit with instructions to Intelligence (Permanent). (consideration: CR H6033-6034; text: CR H6033)
- **Sep 9, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the Hochul motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment adding a new section entitled "PRIORITIZATION OF FUNDING TO COUNTER THE THREAT POSED BY TRANSNATIONAL DRUG TRAFFICKING".
- **Sep 9, 2011:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H6034)
- **Sep 9, 2011:** On motion to recommit with instructions Failed by recorded vote: 145 - 257 (Roll no. 697). (consideration: CR H6034)
- **Sep 9, 2011:** Passed/agreed to in House: On passage Passed by recorded vote: 384 - 14 (Roll no. 698).
- **Sep 9, 2011:** On passage Passed by recorded vote: 384 - 14 (Roll no. 698).
- **Sep 9, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 9, 2011:** 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. 1892.
- **Sep 8, 2011:** Rule H. Res. 392 passed House.
- **Sep 7, 2011:** Rules Committee Resolution H. Res. 392 Reported to House. Rule provides for consideration of H.R. 2218 and H.R. 1892 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Sep 2, 2011:** Reported (Amended) by the Committee on Intelligence. H. Rept. 112-197.
- **Sep 2, 2011:** Placed on the Union Calendar, Calendar No. 126.
- **May 26, 2011:** Committee Consideration and Mark-up Session Held.
- **May 26, 2011:** Ordered to be Reported (Amended) by Voice Vote.
- **May 13, 2011:** Introduced in House
- **May 13, 2011:** Referred to the House Committee on Intelligence (Permanent Select).