



**Legislative Bulletin.....May 31, 2012**

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**H.R. 5743 – Intelligence Authorization Act for FY2013**

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**Order of Business:** H.R. 5743 will be considered under a structured rule which provides one hour of general debate, equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The rule makes in order only the nine amendments printed in the Rules Committee Report.

**Summary:** This legislation is mainly in a classified annex. The unclassified portion mainly deals with technical and administrative changes. Section 103 would authorize the appropriation of \$531 million for the intelligence community Management Account, which provides the principal source of funding for the Office of the Director of National Intelligence and resources for certain employees of the CIA. The appropriation would cover various unfunded liabilities of the system and would be considered mandatory spending. CBO estimates of the cost of the legislation, \$545 million over the 2013-2017 period, reflects the cost of the unclassified portion of the legislation (most of the legislation is in the classified annex).

*CIA Inspector General provision:*

Section 402 of the legislation contains a provision that permits the Inspector General (IG) of the CIA to designate certain positions as law enforcement officer positions solely for the purpose of certain retirement benefits. The Committee included this provision at the request of the Administration in response to concerns raised by the CIA IG about his ability to recruit and retain a cadre of experienced professional investigators. The CIA IG has identified a need for experienced criminal investigators to fulfill its mission, which includes a variety of criminal, civil and regulatory investigations similar to other inspectors general offices in the Executive Branch. According to the committee [report](#), the IG indicated that his office was at a distinct disadvantage in particular when trying to hire experienced investigators from other their law enforcement benefits to do so.

Additionally, in Section 305, the Committee voted to repeal or modify six reporting requirements in a manner so as to alleviate the burden on the IC.

*Security Clearance reciprocity:*

Section 304 of the legislation requires the President to develop a strategy and process to carry out of the requirements outlined in the Intelligence Reform and Terrorism Prevention Act of 2004 for reciprocity of security clearances access determinations across agencies.

**Administration Position:** “The Administration appreciates the continued support of the House Permanent Select Committee on Intelligence for intelligence activities, and notwithstanding the concerns outlined below, does not oppose House passage of H.R. 5743, the Intelligence Authorization Act for Fiscal Year (FY) 2013.

The Administration has serious concerns with the amounts authorized in the classified annex, particularly if these funding levels were included in an appropriations bill, because they exceed the President's Budget. Further, the Administration objects to unrequested authorizations for some classified programs that were reduced in the President's Budget because they are lower in priority and would support deficit reduction efforts. The Administration asks the congressional committees to ensure that the final amounts appropriated for the Intelligence Community for FY 2013 are authorized.” (available [here](#)).

**Cost to Taxpayers:** The CBO estimates that the unclassified provisions of this legislation costs about \$525 million over the 2012-2017 period, subject to the availability of appropriated funds. This level of funding is the as the amount assumed in the CBO baseline.

**Committee Action:** The legislation was introduced on May 15, 2012, and it was referred to the House Intelligence Committee. It was reported to the House as amended on May 22, 2012.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No. The legislation does not expand the size and scope of the federal government.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No. The House [report](#) affirms that this legislation does not include any mandates, and included a letter from the CBO that attests that, “H.R. 5743 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Yes. The House [report](#) affirms that “the Committee states that the bill as reported contains no congressional earmarks, limited tax benefits, or limited tariff benefits.”

**Constitutional Authority:** According to the [sponsor](#) - “Congress has the power to enact this legislation pursuant to the following: The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States. Article I, section 8 of the Constitution of the United States provides, in pertinent part, that “Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States”; “. . .to raise and support armies . . .”; “To provide and maintain a Navy”; “To make Rules for the Government and Regulation of the land and naval Forces”; and “To make all laws which shall

be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

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