

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1892  
OFFERED BY MR. ROGERS OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Intelligence Authorization Act for Fiscal Year 2012”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; Table of contents.  
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.  
Sec. 102. Classified Schedule of Authorizations.  
Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.  
Sec. 302. Restriction on conduct of intelligence activities.  
Sec. 303. Annual report on hiring of National Security Education Program participants.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE  
INTELLIGENCE COMMUNITY

Subtitle A—Central Intelligence Agency

Sec. 401. Burial allowance.  
Sec. 402. Solicitation of gifts.  
Sec. 403. Acceptance of gifts, devises, and bequests.

Subtitle B—Other Elements

Sec. 411. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.

Sec. 412. Report and strategic plan on drug trafficking organizations and impact on public lands.

TITLE V—OTHER MATTERS

Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-  
4 TEES.—The term “congressional intelligence com-  
5 mittees” means—

6 (A) the Select Committee on Intelligence of  
7 the Senate; and

8 (B) the Permanent Select Committee on  
9 Intelligence of the House of Representatives.

10 (2) INTELLIGENCE COMMUNITY.—The term  
11 “intelligence community” has the meaning given  
12 that term in section 3(4) of the National Security  
13 Act of 1947 (50 U.S.C. 401a(4)).

14 **TITLE I—INTELLIGENCE**  
15 **ACTIVITIES**

16 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2012 for the conduct of the intelligence and  
19 intelligence-related activities of the following elements of  
20 the United States Government:

1           (1) The Office of the Director of National Intel-  
2           ligence.

3           (2) The Central Intelligence Agency.

4           (3) The Department of Defense.

5           (4) The Defense Intelligence Agency.

6           (5) The National Security Agency.

7           (6) The Department of the Army, the Depart-  
8           ment of the Navy, and the Department of the Air  
9           Force.

10          (7) The Coast Guard.

11          (8) The Department of State.

12          (9) The Department of the Treasury.

13          (10) The Department of Energy.

14          (11) The Department of Justice.

15          (12) The Federal Bureau of Investigation.

16          (13) The Drug Enforcement Administration.

17          (14) The National Reconnaissance Office.

18          (15) The National Geospatial-Intelligence Agen-  
19          cy.

20          (16) The Department of Homeland Security.

21   **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

22          (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
23   LEVELS.—The amounts authorized to be appropriated  
24   under section 101 and, subject to section 103, the author-  
25   ized personnel ceilings as of September 30, 2012, for the

1 conduct of the intelligence activities of the elements listed  
2 in paragraphs (1) through (16) of section 101, are those  
3 specified in the classified Schedule of Authorizations pre-  
4 pared to accompany the bill H.R. 1892 of the One Hun-  
5 dred Twelfth Congress.

6 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
7 THORIZATIONS.—

8 (1) AVAILABILITY TO COMMITTEES OF CON-  
9 GRESS.—The classified Schedule of Authorizations  
10 referred to in subsection (a) shall be made available  
11 to the Committee on Appropriations of the Senate,  
12 the Committee on Appropriations of the House of  
13 Representatives, and to the President.

14 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-  
15 ject to paragraph (3), the President shall provide for  
16 suitable distribution of the classified Schedule of Au-  
17 thORIZATIONS, or of appropriate portions of the Sched-  
18 ular, within the executive branch.

19 (3) LIMITS ON DISCLOSURE.—In carrying out  
20 paragraph (2), the President may disclose only that  
21 budget-related information necessary to execute the  
22 classified Schedule of Authorizations and shall not  
23 disclose the Schedule or any portion of the Schedule  
24 publicly.

1 **SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
2 **COUNT.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated for the Intelligence Commu-  
5 nity Management Account of the Director of National In-  
6 telligence for fiscal year 2012 the sum of \$590,339,000.  
7 Within such amount, funds identified in the classified  
8 Schedule of Authorizations referred to in section 102(a)  
9 for advanced research and development shall remain avail-  
10 able until September 30, 2013.

11 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
12 ments within the Intelligence Community Management  
13 Account of the Director of National Intelligence are au-  
14 thorized 794 full-time or full-time equivalent personnel as  
15 of September 30, 2012. Personnel serving in such ele-  
16 ments may be permanent employees of the Office of the  
17 Director of National Intelligence or personnel detailed  
18 from other elements of the United States Government.

19 (c) CLASSIFIED AUTHORIZATIONS.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
21 addition to amounts authorized to be appropriated  
22 for the Intelligence Community Management Ac-  
23 count by subsection (a), there are authorized to be  
24 appropriated for the Community Management Ac-  
25 count for fiscal year 2012 such additional amounts  
26 as are specified in the classified Schedule of Author-

1       izations referred to in section 102(a). Such addi-  
2       tional amounts for advanced research and develop-  
3       ment shall remain available until September 30,  
4       2013.

5               (2) AUTHORIZATION OF PERSONNEL.—In addi-  
6       tion to the personnel authorized by subsection (b)  
7       for elements of the Intelligence Community Manage-  
8       ment Account as of September 30, 2012, there are  
9       authorized such additional personnel for the Com-  
10      munity Management Account as of that date as are  
11      specified in the classified Schedule of Authorizations  
12      referred to in section 102(a).

13   **TITLE        II—CENTRAL        INTEL-**  
14   **LIGENCE   AGENCY   RETIRE-**  
15   **MENT   AND   DISABILITY   SYS-**  
16   **TEM**

17   **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

18       There is authorized to be appropriated for the Cen-  
19      tral Intelligence Agency Retirement and Disability Fund  
20      for fiscal year 2012 the sum of \$514,000,000.

1                   **TITLE III—GENERAL**  
2                   **PROVISIONS**

3   **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**  
4                   **BENEFITS AUTHORIZED BY LAW.**

5           Appropriations authorized by this Act for salary, pay,  
6 retirement, and other benefits for Federal employees may  
7 be increased by such additional or supplemental amounts  
8 as may be necessary for increases in such compensation  
9 or benefits authorized by law.

10 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
11                   **ACTIVITIES.**

12           The authorization of appropriations by this Act shall  
13 not be deemed to constitute authority for the conduct of  
14 any intelligence activity which is not otherwise authorized  
15 by the Constitution or the laws of the United States.

16 **SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECUR-**  
17                   **RITY EDUCATION PROGRAM PARTICIPANTS.**

18           (a) REPORT.—Subtitle C of title X of the National  
19 Security Act of 1947 (50 U.S.C. 401 et seq.) is amended  
20 by adding at the end the following new section:

21           “ANNUAL REPORT ON HIRING OF NATIONAL SECURITY  
22                   EDUCATION PROGRAM PARTICIPANTS

23           “SEC. 1025. Not later than 90 days after the end  
24 of each fiscal year, the head of each element of the intel-  
25 ligence community shall submit to the congressional intel-

1 lidence committees a report, which may be in classified  
2 form, containing the number of personnel hired by such  
3 element during such fiscal year that were at any time a  
4 recipient of a grant or scholarship under the David L.  
5 Boren National Security Education Act of 1991 (50  
6 U.S.C. 1901 et seq.).”.

7 (b) TABLE OF CONTENTS AMENDMENT.—The table  
8 of contents in the first section of such Act is amended  
9 by inserting after the item relating to section 1024 the  
10 following new item:

“Sec. 1025. Annual report on hiring of National Security Education Program  
participants.”.

11 **TITLE IV—MATTERS RELATING**  
12 **TO ELEMENTS OF THE INTEL-**  
13 **LIGENCE COMMUNITY**  
14 **Subtitle A—Central Intelligence**  
15 **Agency**

16 **SEC. 401. BURIAL ALLOWANCE.**

17 (a) IN GENERAL.—Section 11 of the Central Intel-  
18 lidence Agency Act of 1949 (50 U.S.C. 403k) is amend-  
19 ed—

20 (1) in the heading, by inserting “AND BURIAL  
21 ALLOWANCE” after “GRATUITIES”; and

22 (2) by adding at the end the following new sub-  
23 section:

1           “(c)(1) At the request of a representative of the es-  
2     tate of any officer or employee of the Agency (as deter-  
3     mined in accordance with the laws of a State) who dies  
4     in a manner described in subsection (a)(1), the Director  
5     may pay to such estate a burial allowance.

6           “(2) A burial allowance paid under paragraph (1)  
7     may be used to cover burial expenses, including recovery,  
8     mortuary, funeral or memorial service, cremation, burial  
9     costs, and costs of transportation by common carrier to  
10    the place selected for final disposition of the deceased.

11          “(3) Each payment made under this subsection shall  
12    be—

13                 “(A) in an amount not greater than \$15,000  
14                 plus the actual costs of transportation referred to in  
15                 paragraph (2); and

16                 “(B) in addition to any other benefit that may  
17                 be due under any other provision of law.

18          “(4) The Director may annually increase the amount  
19    in paragraph (3)(A) to reflect any increase in the Con-  
20    sumer Price Index occurring during the preceding year.

21          “(5) The Director may pay the burial benefit author-  
22    ized under this subsection more than once for funeral, me-  
23    morial, or burial expenses stemming from a single death  
24    of an officer or employee of the Agency if the remains of  
25    such officer or employee were not recovered, were recov-

1 ered after considerable delay, or were not recovered in-  
2 tact.”.

3 (b) EFFECTIVE DATE OF AUTHORITY TO INCREASE  
4 ALLOWANCE.—Section 11(c)(4) of the Central Intel-  
5 ligence Agency Act of 1949, as added by subsection (a),  
6 shall take effect on the date that is one year after the  
7 date of the enactment of this Act.

8 **SEC. 402. SOLICITATION OF GIFTS.**

9 Section 12(a) of the Central Intelligence Agency Act  
10 of 1949 (50 U.S.C. 4031(a)) is amended—

11 (1) in the first sentence—

12 (A) by striking “Subject” and inserting  
13 “Notwithstanding any other provision of law,  
14 but subject”; and

15 (B) by striking “may accept” and inserting  
16 “may solicit, accept”; and

17 (2) in the second sentence—

18 (A) by striking “general”; and

19 (B) by striking “employees or dependents  
20 of employees of the Agency” and inserting “em-  
21 ployees of the Agency, dependents of employees  
22 of the Agency, or survivors of deceased employ-  
23 ees of the Agency who died in a manner de-  
24 scribed in section 11(a)(1)”.

1 **SEC. 403. ACCEPTANCE OF GIFTS, DEVICES, AND BEQUESTS.**

2 Section 12 of the Central Intelligence Agency Act of  
3 1949 (50 U.S.C. 4031) is amended by adding at the end  
4 the following new subsection:

5 “(f)(1) Subject to limitations established by the Di-  
6 rector, a covered employee may accept a gift from a source  
7 other than a foreign government or an agent of a foreign  
8 government.

9 “(2) The Director shall issue regulations to carry out  
10 this subsection. Such regulations shall address any poten-  
11 tial counterintelligence concerns with generally accepting  
12 gifts under this subsection and prior to the acceptance of  
13 any individual gift.

14 “(3) In this subsection, the term ‘covered employee’  
15 means an employee of the Agency who suffered an injury  
16 or illness that—

17 “(A) resulted from hostile or terrorist activities;

18 “(B) occurred under other circumstances deter-  
19 mined by the Director to be analogous to subpara-  
20 graph (A).”.

1           **Subtitle B—Other Elements**

2   **SEC. 411. CODIFICATION OF OFFICE OF INTELLIGENCE**  
3                   **AND ANALYSIS OF THE DEPARTMENT OF**  
4                   **HOMELAND SECURITY AS ELEMENT OF THE**  
5                   **INTELLIGENCE COMMUNITY.**

6           Section 3(4)(K) of the National Security Act of 1947  
7 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

8                   “(K) The Office of Intelligence and Anal-  
9                   ysis of the Department of Homeland Security.”.

10 **SEC. 412. REPORT AND STRATEGIC PLAN ON DRUG TRAF-**  
11                   **FICKING ORGANIZATIONS AND IMPACT ON**  
12                   **PUBLIC LANDS.**

13           (a) **REQUIREMENT FOR REPORT.**—Not later than  
14 one year after the date of the enactment of this Act, the  
15 Director of National Intelligence shall submit to the con-  
16 gressional intelligence committees a report on—

17                   (1) the intelligence collection efforts of the  
18                   United States that assess the threat from covered  
19                   entities that are currently or have previously used  
20                   public lands in the United States to further their op-  
21                   erations; and

22                   (2) efforts to protect public lands of the United  
23                   States from illegal drug grows.

24           (b) **CONTENTS.**—The report required by subsection  
25 (a) shall include the following:

1           (1) An assessment of the intelligence collection  
2 efforts of the United States dedicated to covered en-  
3 tities.

4           (2) An assessment of any problems that may  
5 reduce the overall effectiveness of United States in-  
6 telligence collection and analysis to identify and pro-  
7 tect public lands from illegal drug grows and other  
8 activities and threats of covered entities, including—

9                   (A) intelligence collection gaps or ineffi-  
10 ciencies;

11                   (B) information sharing practices in the  
12 intelligence community and other agencies, in-  
13 cluding Federal land management agencies; and

14                   (C) cooperation among Federal depart-  
15 ments or agencies.

16           (3) A strategic plan prepared by the Director of  
17 National Intelligence that describes actions the ap-  
18 propriate elements of the intelligence community can  
19 take to close intelligence gaps related to covered en-  
20 tities, and the use by such entities of public lands  
21 for illegal purposes, including threat assessments  
22 from all Federal land management agencies.

23           (4) A description of appropriate goals, sched-  
24 ules, milestones, or metrics to measure the long-term

1 effectiveness of actions implemented to carry out the  
2 plan described in paragraph (4).

3 (c) IMPLEMENTATION OF STRATEGIC PLAN.—Not  
4 later than 30 days after the date on which the Director  
5 of National Intelligence submits the report required by  
6 subsection (a), the Director shall begin implementation of  
7 the strategic plan described in subsection (b)(4).

8 (d) DEFINITIONS.—In this section:

9 (1) COVERED ENTITY.—The term “covered en-  
10 tity” means a drug trafficking organization or other  
11 actor involved in drug trafficking generally.

12 (2) FEDERAL LAND MANAGEMENT AGENCY.—  
13 The term “Federal land management agency” in-  
14 cludes—

15 (A) the Forest Service of the Department  
16 of Agriculture;

17 (B) the Bureau of Land Management of  
18 the Department of the Interior;

19 (C) the National Park Service of the De-  
20 partment of the Interior;

21 (D) the Fish and Wildlife Service of the  
22 Department of the Interior; and

23 (E) the Bureau of Reclamation of the De-  
24 partment of the Interior.

1           (3) PUBLIC LANDS.—The term “public lands”  
2           has the meaning given that term in section 103 of  
3           the Federal Land Policy and Management Act of  
4           1976 (43 U.S.C. 1702).

5           **TITLE V—OTHER MATTERS**

6           **SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE**  
7                           **OF UNMANNED AERIAL VEHICLES ALONG**  
8                           **THE BORDER OF THE UNITED STATES AND**  
9                           **MEXICO.**

10          Not later than 90 days after the date of the enact-  
11          ment of this Act, the Secretary of Homeland Security shall  
12          submit to the congressional intelligence committees, the  
13          Committee on Homeland Security of the House of Rep-  
14          resentatives, and the Committee on Homeland Security  
15          and Governmental Affairs of the Senate a report on  
16          whether restrictions on the use of airspace are hampering  
17          the use of unmanned aerial vehicles by the Department  
18          of Homeland Security along the international border be-  
19          tween the United States and Mexico.

