

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1892  
OFFERED BY M. \_\_\_\_\_**

Strike the entire text 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.

Sec. 404. Creating an official record of the Osama bin Laden operation.

**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.

Sec. 413. Report on training standards of defense intelligence workforce.

#### 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 “(1) Subject”; and

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

16 (2) in the second sentence—

17 (A) by striking “general”; and

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

24 (3) by adding at the end the following new  
25 paragraph:

1           “(2) The Director shall issue regulations to carry out  
2 the authority to solicit gifts under paragraph (1). Such  
3 regulations shall ensure that any solicitation is consistent  
4 with all relevant ethical constraints and principles, includ-  
5 ing the avoidance of any prohibited conflict of interest or  
6 appearance of impropriety.”.

7 **SEC. 403. ACCEPTANCE OF GIFTS, DEVISES, AND BEQUESTS.**

8           Section 12 of the Central Intelligence Agency Act of  
9 1949 (50 U.S.C. 4031) is amended by adding at the end  
10 the following new subsection:

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

15           “(2) The Director shall issue regulations to carry out  
16 this subsection. Such regulations shall address any poten-  
17 tial counterintelligence concerns with generally accepting  
18 gifts under this subsection and prior to the acceptance of  
19 any individual gift.

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

23                   “(A) resulted from hostile or terrorist activities;  
24           or

1           “(B) occurred under other circumstances deter-  
2           mined by the Director to be analogous to subpara-  
3           graph (A).”.

4   **SEC. 404. CREATING AN OFFICIAL RECORD OF THE OSAMA**  
5                           **BIN LADEN OPERATION.**

6           (a) FINDINGS.—The Congress finds the following:

7                   (1) On May 1, 2011, United States personnel  
8                   killed terrorist leader Osama bin Laden during the  
9                   course of a targeted strike against his secret com-  
10                  pound in Abbottabad, Pakistan.

11                  (2) Osama bin Laden was the leader of the al  
12                  Qaeda terrorist organization, the most significant  
13                  terrorism threat to the United States and the inter-  
14                  national community.

15                  (3) Osama bin Laden was the architect of ter-  
16                  rorist attacks which killed nearly 3,000 civilians on  
17                  September 11, 2001, the most deadly terrorist at-  
18                  tack against our Nation, in which al Qaeda terror-  
19                  ists hijacked four airplanes and crashed them into  
20                  the World Trade Center in New York City, the Pen-  
21                  tagon in Washington, D.C., and, due to heroic ef-  
22                  forts by civilian passengers to disrupt the terrorists,  
23                  near Shanksville, Pennsylvania.

24                  (4) Osama bin Laden planned or supported nu-  
25                  merous other deadly terrorist attacks against the

1 United States and its allies, including the 1998  
2 bombings of United States embassies in Kenya and  
3 Tanzania and the 2000 attack on the U.S.S. Cole in  
4 Yemen, and against innocent civilians in countries  
5 around the world, including the 2004 attack on com-  
6 muter trains in Madrid, Spain and the 2005 bomb-  
7 ings of the mass transit system in London, England.

8 (5) Following the September 11, 2001, terrorist  
9 attacks, the United States, under President George  
10 W. Bush, led an international coalition into Afghani-  
11 stan to dismantle al Qaeda, deny them a safe haven  
12 in Afghanistan and ungoverned areas along the Pak-  
13 istani border, and bring Osama bin Laden to justice.

14 (6) President Barack Obama in 2009 com-  
15 mitted additional forces and resources to efforts in  
16 Afghanistan and Pakistan as “the central front in  
17 our enduring struggle against terrorism and extre-  
18 mism”.

19 (7) The valiant members of the United States  
20 Armed Forces have courageously and vigorously pur-  
21 sued al Qaeda and its affiliates in Afghanistan and  
22 around the world.

23 (8) The anonymous, unsung heroes of the intel-  
24 ligence community have pursued al Qaeda and affili-  
25 ates in Afghanistan, Pakistan, and around the world

1 with tremendous dedication, sacrifice, and profes-  
2 sionalism.

3 (9) The close collaboration between the Armed  
4 Forces and the intelligence community prompted the  
5 Director of National Intelligence, General James  
6 Clapper, to state, “Never have I seen a more re-  
7 markable example of focused integration, seamless  
8 collaboration, and sheer professional magnificence as  
9 was demonstrated by the Intelligence Community in  
10 the ultimate demise of Osama bin Laden.”.

11 (10) While the death of Osama bin Laden rep-  
12 resents a significant blow to the al Qaeda organiza-  
13 tion and its affiliates and to terrorist organizations  
14 around the world, terrorism remains a critical threat  
15 to United States national security.

16 (11) President Obama said, “For over two dec-  
17 ades, bin Laden has been al Qaeda’s leader and  
18 symbol, and has continued to plot attacks against  
19 our country and our friends and allies. The death of  
20 bin Laden marks the most significant achievement  
21 to date in our Nation’s effort to defeat al Qaeda.”.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that—

1           (1) the raid that killed Osama bin Laden dem-  
2           onstrated the best of the intelligence communities  
3           capabilities and teamwork;

4           (2) for years to come, Americans will look back  
5           at this event as a defining point in the history of the  
6           United States;

7           (3) it is vitally important that the United  
8           States memorialize all the events that led to the raid  
9           so that future generations will have an official  
10          record of the events that transpired before, during,  
11          and as a result of the operation; and

12          (4) preserving this history now will allow the  
13          United States to have an accurate account of the  
14          events while those that participated in the events are  
15          still serving in the Government.

16          (c) REPORT ON THE OPERATION THAT KILLED  
17          OSAMA BIN LADEN.—Not later than one year after the  
18          date of the enactment of this Act, the Director of the Cen-  
19          tral Intelligence Agency, in consultation with other agen-  
20          cies and entities involved in the operation that killed  
21          Osama bin Laden, shall submit to the congressional intel-  
22          ligence committees a classified report that memorializes  
23          such operation including a description of the events lead-  
24          ing up to the discovery of the location of Osama bin

1 Laden, the planning and execution of the raid, and the  
2 results of the intelligence gained from the raid.

3 (d) PRESERVATION OF RECORDS.—The Director of  
4 the Central Intelligence Agency shall preserve any records,  
5 including intelligence information and assessments, used  
6 to generate the report described in subsection (c).

## 7 **Subtitle B—Other Elements**

### 8 **SEC. 411. CODIFICATION OF OFFICE OF INTELLIGENCE** 9 **AND ANALYSIS OF THE DEPARTMENT OF** 10 **HOMELAND SECURITY AS ELEMENT OF THE** 11 **INTELLIGENCE COMMUNITY.**

12 Section 3(4)(K) of the National Security Act of 1947  
13 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

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

### 16 **SEC. 412. REPORT AND STRATEGIC PLAN ON DRUG TRAF-** 17 **FICKING ORGANIZATIONS AND IMPACT ON** 18 **PUBLIC LANDS.**

19 (a) REQUIREMENT FOR REPORT.—Not later than  
20 one year after the date of the enactment of this Act, the  
21 Director of National Intelligence shall submit to the con-  
22 gressional intelligence committees a report on—

23 (1) the intelligence collection efforts of the  
24 United States that assess the threat from covered  
25 entities that are currently or have previously used

1 public lands in the United States to further their op-  
2 erations; and

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

5 (b) CONTENTS.—The report required by subsection  
6 (a) shall include the following:

7 (1) An assessment of the intelligence collection  
8 efforts of the United States dedicated to covered en-  
9 tities.

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

15 (A) intelligence collection gaps or ineffi-  
16 ciencies;

17 (B) information sharing practices in the  
18 intelligence community and other agencies, in-  
19 cluding Federal land management agencies; and

20 (C) cooperation among Federal depart-  
21 ments or agencies.

22 (3) A strategic plan prepared by the Director of  
23 National Intelligence that describes actions the ap-  
24 propriate elements of the intelligence community can  
25 take to close intelligence gaps related to covered en-

1           tities, and the use by such entities of public lands  
2           for illegal purposes, including threat assessments  
3           from all Federal land management agencies.

4           (4) A description of appropriate goals, sched-  
5           ules, milestones, or metrics to measure the long-term  
6           effectiveness of actions implemented to carry out the  
7           plan described in paragraph (4).

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

13          (d) DEFINITIONS.—In this section:

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

17               (2) FEDERAL LAND MANAGEMENT AGENCY.—  
18               The term “Federal land management agency” in-  
19               cludes—

20                       (A) the Forest Service of the Department  
21                       of Agriculture;

22                       (B) the Bureau of Land Management of  
23                       the Department of the Interior;

24                       (C) the National Park Service of the De-  
25                       partment of the Interior;

1 (D) the Fish and Wildlife Service of the  
2 Department of the Interior; and

3 (E) the Bureau of Reclamation of the De-  
4 partment of the Interior.

5 (3) PUBLIC LANDS.—The term “public lands”  
6 has the meaning given that term in section 103 of  
7 the Federal Land Policy and Management Act of  
8 1976 (43 U.S.C. 1702).

9 **SEC. 413. REPORT ON TRAINING STANDARDS OF DEFENSE**  
10 **INTELLIGENCE WORKFORCE.**

11 (a) REPORT.—Not later than 180 days after the date  
12 of the enactment of this Act, the Director of National In-  
13 telligence and the Under Secretary of Defense for Intel-  
14 ligence shall submit to the Permanent Select Committee  
15 on Intelligence and the Committee on Armed Services of  
16 the House of Representatives and the Select Committee  
17 on Intelligence and the Committee on Armed Services of  
18 the Senate a report on the training standards of the de-  
19 fense intelligence workforce. Such report shall include—

20 (1) a description of existing training, education,  
21 and professional development standards applied to  
22 personnel of defense intelligence components; and

23 (2) an assessment of the ability to implement a  
24 certification program for personnel of the defense in-  
25 telligence components based on achievement of re-

1       quired training, education, and professional develop-  
2       ment standards.

3       (b) DEFINITIONS.—In this section:

4           (1) DEFENSE INTELLIGENCE COMPONENTS.—

5       The term “defense intelligence components”  
6       means—

7           (A) the National Security Agency;

8           (B) the Defense Intelligence Agency;

9           (C) the National Geospatial-Intelligence  
10       Agency;

11          (D) the National Reconnaissance Office;

12          (E) the intelligence elements of the Army,  
13       the Navy, the Air Force, and the Marine Corps;  
14       and

15          (F) other offices within the Department of  
16       Defense for the collection of specialized national  
17       intelligence through reconnaissance programs.

18       (2) DEFENSE INTELLIGENCE WORKFORCE.—

19       The term “defense intelligence workforce” means  
20       the personnel of the defense intelligence components.

1           **TITLE V—OTHER MATTERS**  
2   **SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE**  
3                   **OF UNMANNED AERIAL VEHICLES ALONG**  
4                   **THE BORDER OF THE UNITED STATES AND**  
5                   **MEXICO.**

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

