

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5959) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2009 FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES OF THE UNITED STATES GOVERNMENT, THE COMMUNITY MANAGEMENT ACCOUNT, AND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM, AND FOR OTHER PURPOSES

JULY 15, 2008.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS of Florida, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1343]

The Committee on Rules, having had under consideration House Resolution 1343, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5959, the “Intelligence Authorization Act for Fiscal Year 2009,” under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Permanent Select Committee on Intelligence.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and

shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The resolution provides one motion to recommit with or without instructions. Finally, the resolution permits the Chair, during consideration of the bill in the House, to postpone further consideration until a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clause 9 of rule XXI) includes prophylactic waivers of (1) section 302(f) of the Congressional Budget Act (prohibiting consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority) because the total budget authority authorized in the bill is classified and therefore unavailable; and (2) clause 10 of rule XXI (regarding measures affecting direct spending or revenues that have the net effect of increasing the deficit or reducing the surplus for either the period comprising the next five fiscal years or the period comprising the next ten fiscal years) because the classified annex of the bill is unavailable for review. The Committee understands, however, that the unclassified portion of the bill does not violate clause 10 of rule XXI.

The waiver of all points of order against the committee amendment includes a waiver of: (1) Clause 7 of rule XVI (regarding germaneness); and (2) a prophylactic waiver of clause 10 of rule XXI (regarding measures affecting direct spending or revenues that have the net effect of increasing the deficit or reducing the surplus for either the period comprising the next five fiscal years or the period comprising the next ten fiscal years) because the classified annex of the bill is unavailable for review. The Committee understands, however, that the unclassified portion of the bill does not violate clause 10 of rule XXI.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 560

Date: July 15, 2008.

Measure: H.R. 5959.

Motion by: Mr. Dreier.

Summary of motion: To report an open rule.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 561

Date: July 15, 2008.

Measure: H.R. 5959.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hoekstra (MI), #13, which would prohibit funds from being used to transfer, release, or assist

in the transfer or release of a detainee held at Guantanamo Bay on the date of the enactment of this Act to or within the United States.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 562

Date: July 15, 2008.

Measure: H.R. 5959.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Castle (DE), and Rep. Shays (CT), #10, which would express a sense of Congress that beginning with the 111th Congress, the House and Senate should implement the 9/11 Commission's specific recommendations for congressional oversight of intelligence by establishing either an appropriations subcommittee on intelligence, establishing a joint committee on intelligence, or establishing House and Senate committees on intelligence with authorizing and appropriating authority.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 563

Date: July 15, 2008.

Measure: H.R. 5959.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hensarling (TX), #14, which would repeal section 526 of the Energy Independence and Security Act, 42 U.S.C. section 17142 (regarding procurement of alternative fuels).

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 564

Date: July 15, 2008.

Measure: H.R. 5959.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Roskam (IL), #6, which would authorize the Secretary of Energy to enter into loan and profit sharing agreements for qualifying coal-to-liquid projects. qualifying projects include a commercial-scale project that converts coal or a petroleum refinery waste product to a liquid or gaseous transportation fuel.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Reyes (TX)/Murphy, Patrick (PA): Would add an exception to the alternative fuel procurement requirement, clarifying that the bill does not prohibit an element of the intelligence community from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source when certain requirements are met. It also would add an assessment of the feasibility of employing foreign nationals lawfully present in the U.S. who have previously worked as translators for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element. Finally, it would require that the report required in section 412 on intelligence resources dedicated to Iraq and Afghanistan include resources dedicated to intelligence analysis. (10 minutes)

2. Blunt (MO): Would express the sense of Congress that (1) the defeat of Colombian paramilitary organizations is in the national interest of the United States; (2) the recent rescue of hostages held by the FARC demonstrates the professionalism of Colombian forces; (3) U.S. intelligence and other assistance played a key role in developing and reinforcing Colombian capabilities; and (4) it is critical that U.S. assistance to the Government of Colombia continue. (10 minutes)

3. Holt (NJ): Would require the Director of National Intelligence to inform all holders of the October 2007 National Intelligence Estimate on Iran's nuclear program of any new intelligence on Iran's nuclear program that has emerged since the publication of the NIE. (10 minutes)

4. Hoekstra (MI): Would bar the use of funds to prohibit or discourage the use of the phrases "jihadist," "jihad," "Islamofascism," "caliphate," "Islamist," or "Islamic terrorist" within the Intelligence Community or the Federal Government. (10 minutes)

5. Harman (CA)/Ehlers (MI): Would express the sense of Congress that the Director of National Intelligence should work with other government agencies and the aerospace industry to develop and implement policies to sustain and expand the aerospace industry workforce. (10 minutes)

6. Kirk (IL): Would require the Director of National Intelligence to submit to Congress a National Intelligence Estimate on the production and sale of narcotics in support of international terrorism, including the support the Taliban and al Qaeda receive from the sale of narcotics and the shift in production from opium to hashish in Afghanistan. (10 minutes)

7. Hinchey (NY): Would instruct the Director of the Central Intelligence Agency to submit a report on the activities of the intelligence community with regard to human rights violations of the Argentine military government from the mid-1970's until the mid-1980's. The amendment also instructs the inclusion of a compila-

tion of declassified documents and consents to the inclusion of a classified annex in the report. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REYES OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III, add the following new section:

SEC. 321. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit an element of the intelligence community from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

Page 70, line 3, strike “and”.

Page 70, strike line 7 and insert the following: “dated or no longer relevant; and”.

Page 70, after line 7 insert the following:

“(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.”.

Page 72, line 18, insert “and analysis” after “collection”.

Page 72, line 21, insert “and analysis” after “collection”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUNT OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title V, add the following new section:

SEC. 506. SENSE OF CONGRESS REGARDING COLOMBIAN PARAMILITARY ORGANIZATIONS.

It is the sense of Congress that—

(1) the permanent defeat of the Revolutionary Armed Forces of Columbia (FARC), United Self-Defense Forces of Colombia (AUC), National Liberation Army (ELN), and other Colombian paramilitary organizations is in the national interest of the United States;

(2) the Colombian operation that liberated Americans Keith Stansell, Marc Gonsalves, and Thomas Howes and Ingrid Betancourt and 11 other Colombian hostages from the FARC on

July 2, 2008, demonstrated the professionalism of Colombian security forces and intelligence operatives;

(3) intelligence and other cooperation by the United States has played a key role in developing and reinforcing the capabilities of the Government of Colombia to address terrorist and narcoterrorist threats;

(4) intelligence and other cooperation by the United States has significantly contributed to the continued success of the Government of Colombia in impacting the capabilities of terrorist and narcoterrorist groups that have threatened the national security of Colombia and the United States; and

(5) it is critical that such assistance continue in order to support the Government of Colombia in its efforts to continue to capitalize on those successes.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title IV, add the following new section:

SEC. 418. MEMORANDUM TO HOLDERS OF NATIONAL INTELLIGENCE ESTIMATE ON IRAN.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a memorandum to holders of the National Intelligence Estimate entitled “Iran: Nuclear Intentions and Capabilities” regarding any intelligence on the nuclear program of Iran that has been gathered or emerged since the publication of such National Intelligence Estimate in October, 2007.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOEKSTRA OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title V, add the following new section:

SEC. 506. JIHADISTS.

None of the funds authorized to be appropriated by this Act may be used to prohibit or discourage the use of the words or phrases “jihadist”, “jihad”, “Islamofascism”, “caliphate”, “Islamist”, or “Islamic terrorist” by or within the intelligence community or the Federal Government.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HARMAN OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title III, add the following new section:

SEC. 310. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled aerospace industry workforce is critical to the success of intelligence community programs and operations;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave the intelligence community without access to the intellectual capital and tech-

nical capabilities necessary to identify and respond to potential threats; and

(3) the Director of National Intelligence should work cooperatively with other agencies of the Federal Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to the intelligence community.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title IV, add the following new section:

SEC. 418. NATIONAL INTELLIGENCE ESTIMATE ON PRODUCTION AND SALE OF NARCOTICS IN SUPPORT OF INTERNATIONAL TERRORISM.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the production and sale of narcotics in support of international terrorism, including the support the Taliban and al Qaeda receive from the sale of narcotics (particularly heroin) and the shift in production from opium to hashish in Afghanistan.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HINCHEY OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of tile IV, add the following new section:

SEC. 426. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the Military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces.

(C) Operation Condor and the fate of Argentine people targeted, abducted, or killed during such Operation, including Argentine children born in captivity whose status remains unknown.

(2) All information that may lead to the discovery of the Argentine children born in captivity whose status remains unknown.

(3) A compilation of information referred to in paragraphs (1) and (2) that has been declassified.

(b) UPDATE OF COMPILATION.—Not later than one year after the date on which the report required under subsection (a) is submitted, and annually thereafter for three years, the Director of the

Central Intelligence Agency shall submit to the appropriate congressional committees an update of the compilation referred to in subsection (a)(3).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.