



Legislative Bulletin.....July 16, 2008

Contents:

Amendments to H.R. 5959—Intelligence Authorization Act for Fiscal Year 2009

H.R. 5959, the Intelligence Authorization Act for Fiscal Year 2009, is scheduled to be considered on the House floor on Wednesday, July 16, 2008, subject to a structured rule ([H.Res.1343](#)), making in order the following seven amendments, each debatable for 10 minutes.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks, waives all points of order against the bill itself—except the PAYGO rule—and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule allows one motion to recommit with or without instructions.

Note: The summaries below are based on RSC staff review of *actual amendment text* and thus differ from what's on the Rules Committee website. For a summary of the underlying bill, please see the RSC document that was released earlier today.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717

AMENDMENTS MADE IN ORDER UNDER THE RULE

1. Reyes (D-TX)/Patrick Murphy (D-PA). This amendment would provide the intelligence community a small exception to the controversial Section 526 of the Energy Independence and Security Act (regarding procurement and acquisition of alternative fuels). The amendment would allow the intelligence community to enter into a contract to purchase a generally available fuel, if the contract does not require the contractor to provide alternative fuels, the purpose of the contract is not to obtain an alternative fuel, and 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.

The amendment would also require the Director of National Intelligence (DNI) to conduct a study of the feasibility of allowing the intelligence community to employ foreign nationals who are lawfully in the U.S. and have already worked as translators or interpreters for the Armed Forces in Iraq or Afghanistan.

Finally, the amendment would require the DNI to include resources dedicated to “intelligence analysis” in its report on the intelligence resources that were dedicated to Iraq and Afghanistan in FY 2007 and FY 2008.

Background on Section 526: Section 526 of the recently enacted energy law states in its entirety:

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

Though short, this section, which raises concerns over national security, economic security, and bureaucratic uncertainty, has powerful and harmful implications. It affects all federal agencies and could harm the markets for a variety of energy products, from oil shale and ethanol to tar sands and coal-to-liquids.

Section 526 was added by Speaker Nancy Pelosi (D-CA) and Rep. Henry Waxman (D-CA) largely to stifle the Defense Department’s plans to buy coal-based (or “coal-to-liquids”) jet fuels, which environmentalists contend will ultimately produce more greenhouse gas emissions than would traditional petroleum—a contention that is uncertain at best and that does not account for ongoing improvements in carbon-capture technologies. Plus, no one can come up with a workable definition for “lifecycle greenhouse gas emissions.”

Furthermore, Canada is currently the largest U.S. oil supplier. It sent 1.8 million barrels per day of crude oil and 500,000 barrels per day of refined products to the United States in 2006, according to the Canadian Government. About half of Canadian crude is derived from oil sands, with sands production forecast to reach about 3 million barrels per day in 2015. Section 526 could choke this flow of fuel from one of our nation’s most reliable allies and economic partners. Oil producers, the Air Force, the Canadian Government, and the Center for Unconventional Fuels have all called for the repeal of Section 526.

Some conservatives may feel that the amendment still leaves in place the thrust of Section 526 and thus would still discourage American energy production and investment, while encouraging energy procurement from Venezuela, Nigeria, and the Middle East.

2. Blunt (R-MO). The amendment would express the following senses of Congress:

- The permanent defeat of the Revolutionary Armed Forces of Columbia (FARC), the United Self-Defense Forces of Columbia (AUC), and other Columbian paramilitary organizations is in the best interest of the U.S.;
- The Columbian operation that liberated three American, and 11 Columbian hostages from FARC demonstrates the professionalism of the Columbian security forces and intelligence operatives;

- Intelligence and other cooperation by the U.S. has played a key role in developing the capabilities of the Columbian Government in their effort to address terrorist and narcoterrorist threats;
- Intelligence cooperation by the U.S. has significantly contributed to the continued success of the Columbian Government in impacting the capabilities of terrorist groups that have threatened the security of the U.S.; and
- It is critical that such assistance continue in order to support the Government of Columbia in its efforts to capitalize on its success.

3. Holt (D-NJ). The amendment would require the DNI to issues a memorandum informing all holders of the National Intelligence Estimate entitled “Iran: Nuclear Intentions and Capabilities” of any new intelligence regarding the nuclear program of Iran. The DNI would be required to issue the memo within 90 days of enactment.

4. Hoekstra (R-MI). The amendment prohibits funds authorized by H.R. 5959 from being used to prohibit or discourage the use of the words or phrases “jihadist,” “jihad,” “Islamofascism,” “caliphate,” “Islamist,” or “Islamic terrorist” by the intelligence community or the federal government.

5. Harman (D-CA)/Ehlers (R-MI). The amendment would express the following senses of Congress:

- A robust and highly skilled aerospace industry workforce is critical to the success of intelligence community program and operations;
- Voluntary attrition, the retirement of senior workers, and difficulties in recruiting could leave the intelligence community without access to the intellectual capital and technical capabilities necessary to identify and respond to potential threats; and
- The DNI should work with other agencies 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 a diverse intelligence community workforce.

6. Kirk (R-IL). The amendment would require the DNI to submit a National Intelligence Estimate on the production and sale of narcotics in support of international terrorism, including support received by the Taliban and al Qaeda from the sale of narcotics. The study would have to be submitted to Congress within one year of enactment.

7. Hinchey (D-NY). The amendment would require the Director of the CIA to submit a report to the appropriate congressional committees within 270 days of enactment regarding human rights abuses and captive children in Argentina. Specifically, the amendment would require the report to contain intelligence information with respect to:

- The accession to power by the Military of the Republic of Argentina in 1976;
- Violations of human rights committed by officers or agents of the Argentine military;

- Operation Condor and the fate of Argentine people that were targeted, abducted, or killed during the operation, including Argentine children born into captivity whose status remains unknown; and
- All information that may lead to the discovery of the Argentine children born into captivity.

The amendment would require the Director of the CIA to compile and update the information in the report within one year of enactment, and every three years thereafter.

###