

PROVIDING FOR CONSIDERATION OF H.R. 4548, INTEL-
LIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

JUNE 22, 2004.—Referred to the House Calendar and ordered to be printed

Mrs. MYRICK, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 686]

The Committee on Rules, having had under consideration House Resolution 686, by a record vote of 6 to 3, 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. 4548, the Intelligence Authorization Act for Fiscal Year 2005, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence.

The rule makes in order only those amendments printed in this report. The rule provides that amendments shall be considered only in the order specified 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 division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII 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. 288

Date: June 22, 2004.

Measure: H.R. 4548—Intelligence Authorization Act for Fiscal Year 2005.

Motion by: Mr. Frost.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Harman which creates the position of Director of the Intelligence Community, who shall be provided with statutory and budget authority to effectively manage all elements of the Intelligence Community.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

Rules Committee record vote No. 289

Date: June 22, 2004.

Measure: H.R. 4548—Intelligence Authorization Act for Fiscal Year 2005.

Motion by: Mr. Frost.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Peterson of Minnesota which increases by 100% the funds authorized to be appropriated in the Contingency Emergency Reserve (CER), as specified in the classified Schedule of Authorizations.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

Rules Committee record vote No. 290

Date: June 22, 2004.

Measure: H.R. 4548—Intelligence Authorization Act for Fiscal Year 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Holt which authorizes a grant program for institutions of higher learning that combine the teaching of foreign language critical to national security and the teaching of science and technology, and authorizes \$5 million for such program.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

Rules Committee record vote No. 291

Date: June 22, 2004.

Measure: H.R. 4548—Intelligence Authorization Act for Fiscal Year 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Eshoo which withholds funding from the Office of the Undersecretary of Defense for Intelligence until the Secretary of Defense provides a full accounting of all contacts related to intelligence between DoD personnel and its contractors and Ahmed Chalabi and Chalabi's associates, as well as the information, sources and documents these individuals provided to DoD.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

Rules Committee record vote No. 292

Date: June 22, 2004.

Measure: H.R. 4548—Intelligence Authorization Act for Fiscal Year 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Lee which prohibits the Intelligence Community from using federal funds to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing a democratically elected government.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

Rules Committee record vote No. 293

Date: June 22, 2004.

Measure: H.R. 4548—Intelligence Authorization Act for Fiscal Year 2005.

Motion by: Mr. Linder.

Summary of motion: To report the resolution.

Results: Agreed to 6 to 3.

Vote by Members: Goss—Yea; Linder—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Frost—Nay; Slaughter—Nay; McGovern—Nay; Dreier—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries of amendments derived from information provided by the sponsor.)

Goss: Restores the authorization of funds for the National Drug Intelligence Center (NDIC) to the level requested by the President in the fiscal year 2005 budget request (\$37.8 million). (10 Minutes)

Gallegly: Amends current law regarding designations of Foreign Terrorist Organizations (FTO). Replaces the requirement to for-

mally re-designate FTOs every 2 years with a procedure allowing these groups to petition the Secretary at 2-year intervals to have their designation revoked. Requires the Secretary to review the designation of each FTO every 6 years. Establishes a new procedure for handling the situation in which a terrorist organization changes its name or uses new aliases. Requires that the State Department's annual report on terrorism include information on countries and FTOs that are seeking to obtain weapons of mass destruction. (20 Minutes)

Boehlert: Expresses the sense of Congress to: affirm that the world has been made safer with the dismantling and removal of Libya's weapons of mass destruction and the means to deliver them; acknowledge that this would not have been possible if not for the demonstrated resolve of the United States in the global war on terror and in the liberation of Iraq by United States and Coalition Forces; commend the President for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and urge other countries such as Iran, Syria, and North Korea, to follow Libya's example and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections. (20 Minutes)

Johnson, Sam (TX): Expresses the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror. (20 Minutes)

Rogers, Mike (MI): Expresses the sense of Congress in support of the efforts of the Intelligence Community. (20 Minutes)

Ackerman: Requires the Director of Central Intelligence to report to the appropriate committees of Congress regarding: the efforts of any Pakistani entity or individual to acquire or transfer weapons of mass destruction and related technologies or missile equipment and technology to any other nation, entity or individual; Pakistani steps to curb the proliferation of weapons of mass destruction and the means to deliver them; Pakistan steps to ensure that their own nuclear weapons are secure; an estimate of the size of the Pakistani fissile material stockpile; efforts by the government of Pakistan to fight al Qaeda, the Taliban, and other terrorist networks inside Pakistan; and efforts by the government of Pakistan to establish and strengthen democratic institutions in that country. Provides that the first report be due 90 days after the date of enactment and annually thereafter until April 1, 2009. (10 Minutes)

Shays: Expresses the sense of Congress that the head of each element of the Intelligence Community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available upon a request from a committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, any information and documents in the possession or control of such element in connection with any investigation of that Office by such a committee. (20 Minutes)

Kucinich: Directs the Inspector General of the Central Intelligence Agency to audit the evidence of the relationship, existing prior to September 11, 2001, between the regime of Saddam Hussein and al-Qaeda, referenced in all intelligence reporting, includ-

ing products, briefings, and memoranda, distributed by the Central Intelligence Agency to the White House and Congress. (10 Minutes)

Simmons: Directs the Director of Central Intelligence to report to Congress on the progress the Intelligence Community is making in utilizing Open Source Intelligence (OSINT). (10 Minutes)

Reyes: Withholds 25% of the funds available to the Central Intelligence Agency Program, the General Defense Intelligence Program, the Joint Military Intelligence Program, and the Army Tactical Intelligence and Related Activities Program until the appropriate congressional committees receive all documents related to the handling and treatment of detainees in Iraq, Afghanistan, Guantanamo Bay, and elsewhere. (20 Minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

In section 104(e)(1), strike “\$29,811,000” and insert “\$37,811,000”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGLY OF CALIFORNIA, OR HIS DESIGNEE, TO BE DEBATABLE FOR 20 MINUTES

Add at the end the following new title:

TITLE VII—REFORM OF DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 701. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “Subject to paragraphs (5) and (6), a” and inserting “A”; and

(B) by striking “for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)” and inserting “until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)”;

(2) by striking subparagraph (B) and inserting the following:

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made;

or

“(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

“(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court *ex parte* and in camera for purposes of judicial review under subsection (c).

“(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

“(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).”; and

(3) by adding at the end the following:

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 6-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.”.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) AMENDMENTS TO A DESIGNATION.—

“(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

“(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

“(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

“(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court *ex parte* and *in camera* for purposes of judicial review under subsection (c).”

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking “subsection (b)” and inserting “subsection (c)”;

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking “or a redesignation made under paragraph (4)(B)” and inserting “at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)”;

(ii) in clause (i), by striking “or redesignation”;

(C) in paragraph (7), by striking “, or the revocation of a redesignation under paragraph (6),”; and

(D) in paragraph (8)—

(i) by striking “, or if a redesignation under this subsection has become effective under paragraph (4)(B),”; and

(ii) by striking “or redesignation”; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking “of the designation in the Federal Register,” and all that follows through “review of the designation” and inserting “in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review”;

(B) in paragraph (2), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”;

(C) in paragraph (3), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”; and

(D) in paragraph (4), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation” each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term “designation”, as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

SEC. 702. INCLUSION IN ANNUAL DEPARTMENT OF STATE COUNTRY REPORTS ON TERRORISM OF INFORMATION ON TERRORIST GROUPS THAT SEEK WEAPONS OF MASS DESTRUCTION AND GROUPS THAT HAVE BEEN DESIGNATED AS FOREIGN TERRORIST ORGANIZATIONS.

(a) INCLUSION IN REPORTS.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)(2)—

(A) by inserting “any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction,” after “during the preceding five years,”; and

(B) by inserting “any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189),” after “Export Administration Act of 1979.”;

(2) in subsection (b)(1)(C)(iii), by striking “and” at the end;

(3) in subsection (b)(1)(C)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following new clause:

“(iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups; and”;

(4) in subsection (b)(2)—

(A) by redesignating subparagraphs (C), (D), and (E) as (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) efforts by those groups to obtain or develop weapons of mass destruction.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), submitted more than one year after the date of the enactment of this Act.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOEHLERT OF NEW YORK, OR HIS DESIGNEE, TO BE DEBATABLE FOR 20 MINUTES

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS ON THE DISMANTLING AND REMOVAL OF LIBYA'S WEAPONS OF MASS DESTRUCTION.

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

(1) Libya has been listed as a state sponsor of terrorism by the Department of State each year since 1979.

(2) A German court found the Libyan Government guilty of the East Berlin La Belle disco bombing of 1986, in which two U.S. servicemen were killed.

(3) A Scottish court in January 2001 found a former Libyan official guilty of the 1988 bombing of Pan Am Flight 103.

(4) Libya received and deserved world's condemnations for these horrific acts against innocents.

(5) In March 2003, while Coalition Forces were preparing to liberate Iraq, Libya quietly approached members of the intelligence services of the United States and United Kingdom and indicated a willingness to discuss Libya's weapons of mass destruction programs.

(6) On December 19, 2003, after nine months of intense negotiations, Libya publicly announced that it was prepared to eliminate all elements of its clandestine nuclear and chemical weapons programs.

(7) The United States, the United Kingdom, partners in the Proliferation Security Initiative and key arms control agencies, including the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), have worked in a multilateral and concerted fashion with Libya in an effort to completely dismantle Libya's weapons of mass destruction programs and the means to deliver them.

(8) Because of the hard work by the men and women of the intelligence community, United States policymakers were able to work successfully to convince Libya to relinquish its WMD programs.

(9) On January 27, 2004, a cargo plane flew from Libya to Knoxville, Tennessee, carrying 55,000 pounds of equipment and documents relating to Libya's nuclear weapons and missile programs.

(10) Documents relating to those programs indicate that Libya had purchased a virtual "turnkey facility" to produce parts for gas centrifuges together with assistance to assemble and test these centrifuges, and was otherwise attempting to develop a large uranium enrichment plant which could have produced enough fuel for several nuclear bombs a year.

(11) On January 24, 2004, Libya announced that it would accede to the Chemical Weapons Convention (CWC).

(12) On March 4, 2004, Libya submitted its Chemical Weapons Convention declaration, including a full declaration of its chemical weapons, an inventory of its production capacity, a description of any industrial activity that could be involved in

making illegal weapons, and a plan for destroying any banned materials.

(13) All of Libya's known chemical munitions have since been destroyed and the country's stocks of mustard gas have been consolidated within a single secure facility under the supervision of the OPCW.

(14) On May 6, 2004, a cargo ship departed Libya for the United States carrying an additional 1,000 tons of weapons of mass destruction equipment, including centrifuge parts and components needed to enrich uranium, the Libyan uranium conversion facility and all associated equipment, five SCUD-C missiles and launchers, and two partial missiles.

(15) In testimony before the Committee on International Relations of the House of Representatives on May 10, 2004, Assistant Secretary of State for Verification and Compliance, Paula DeSutter, indicated that Libya had signed the additional protocol for the IAEA in Vienna and announced "the complete dismantlement of Libya's longest range and most sophisticated missiles and the elimination of all of Libya's declared chemical munitions".

(16) International inspectors and monitors are expected to remain on the ground with full cooperation from Libya to ensure that Libya possesses no biological weapons programs and that its weapons of mass destruction programs have been fully dismantled and or converted to civilian use.

(17) The United States and Libya currently are engaged in talks to enter a third phase of negotiations focused on follow-up, verification, and long-term monitoring to ensure that Libya's weapons of mass destruction programs and the means to deliver them have been completely dismantled, as well as plans for the retraining of Libyan scientists and technicians for peaceful work.

(18) Libya's cooperation with international inspectors and revelations about procurement networks have helped identify numerous black market suppliers in an "international supermarket" for nuclear parts and weapons designs that also has aided such countries as Iran, Syria, and North Korea.

(19) Other countries voluntarily have dismantled their weapons of mass destruction programs, but Libya is the first and only country on the Department of State's list of State Sponsors of Terrorism to do so.

(20) Libya's decision to shed its pariah status and divest itself of its weapons of mass destruction programs can be directly attributed to the demonstrated resolve of the United States in the global war against terrorism, the liberation of Iraq by United States Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.

(21) It is appropriate to pursue a policy of cautious and deliberate re-engagement with Libya based upon verifiable results, but the United States should not restore full diplomatic relations with Libya unless and until Libya has—

(A) agreed and submitted to comprehensive monitoring of the full dismantling of its weapons of mass destruction programs;

- (B) severed all links to and support for acts of international terrorism;
 - (C) ceased all support for insurgency groups which have destabilized countries in Africa;
 - (D) demonstrated respect for human rights and the rule of law;
 - (E) implemented its pledge to cooperate in the further investigation of the destruction of Pan Am Flight 103; and
 - (F) settled all legal claims relating to past acts of international terrorism, including but not limited to the bombings of Pan Am Flight 103 and the La Belle Discotheque.
- (b) SENSE OF CONGRESS.—It is the sense of Congress that—
- (1) the world has been made safer with the dismantling and removal of Libya’s weapons of mass destruction and the means to deliver them;
 - (2) this would not have been possible if not for the demonstrated resolve of the United States in the global war on terror and in the liberation of Iraq by United States and Coalition Forces;
 - (3) the President should be commended for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and
 - (4) other countries such as Iran, Syria, and North Korea, should follow Libya’s example, and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SAM JOHNSON OF TEXAS, OR HIS DESIGNEE, TO BE DEBATABLE FOR 20 MINUTES

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS THAT THE APPREHENSION, DETENTION, AND INTERROGATION OF TERRORISTS ARE FUNDAMENTAL TO THE SUCCESSFUL PROSECUTION OF THE GLOBAL WAR ON TERROR.

- (a) FINDINGS.—The Congress finds the following:
- (1) Throughout the 1980s and 1990s, the people of the United States were too often brutalized again and again by deadly terrorist violence, as evidenced by the hundreds of American deaths in the Beirut and Lockerbie bombings, the attack on the World Trade Center in 1993, the destruction of the Khobar Towers military barracks, the bombing of the American embassies in Kenya and Tanzania, and the vicious attacks on the USS Cole in 2000.
 - (2) The terrorist violence targeted against the United States became more emboldened after each attack, culminating in the deadly attacks on the World Trade Center and the Pentagon on September 11, 2001, which killed thousands of innocent Americans, including innocent women and children.
 - (3) Since September 11, 2001, the citizens of the United States have remained the priority target of terrorist violence, with journalists and employees of non-governmental organiza-

tions being held hostage, tortured, and decapitated in the name of terror.

(4) Congress has authorized the President to use all necessary and appropriate means to defeat terrorism; and on numerous occasions since September 11, 2001, and throughout the Global War on Terror, the interrogation of detainees has yielded valuable intelligence that has saved the lives of American military personnel and American citizens at home and abroad.

(5) The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations, their target selection process, and the identities of key operational and logistical personnel that were previously unknown to the Intelligence Community.

(6) The lawful interrogation of detainees is consistent with the United States Constitution.

(7) The abuses against detainees documented at Abu Ghraib prison in Iraq were deplorable aberrations that were not part of United States policy and were not in keeping with the finest traditions of the United States military and the honorable men and women who serve.

(8) The loss of interrogation-derived information would have a disastrous effect on the Nation's intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terror during this critical time.

(9) The apprehension, detention, and interrogation of terrorists are essential elements to successfully waging the Global War on Terror.

(10) The interrogation of detainees can and should continue by the United States within the bounds of the United States Constitution and the laws of the United States of America.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF MICHIGAN, OR HIS DESIGNEE, TO BE DEBATABLE FOR 20 MINUTES

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS ON SUPPORT FOR THE EFFORTS OF THE INTELLIGENCE COMMUNITY.

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

(1) The men and women of the intelligence community are the backbone of the Nation's efforts to gather and collect the intelligence which is vital to the national security of the United States.

(2) The men and women of the intelligence community are great patriots who perform their jobs without fan fair and all too often without receiving the proper credit.

(3) The men and women of the intelligence community are combating vastly different threats to the Nation's security compared to their Cold War colleagues.

(4) Threats to the United States have evolved through the use of technology and non-state actions, demanding alternatives to traditional diplomatic actions.

(5) The 1995 “Deutch Guidelines” regarding the recruitment of foreign assets impeded human intelligence collection efforts and contributed to the creation of a risk averse environment. Despite repeated efforts by the intelligence oversight committees of Congress to convince the Director of Central Intelligence to drop the guidelines, these guidelines stood until formally repealed in 2001 by an Act of Congress.

(6) The President’s budget request for the intelligence community fell by 11 percent from 1993 to 1995.

(7) Congress cut the President’s budget request for the intelligence community each year from 1992 through 1994.

(8) The cutbacks in resources and political support during the middle of the previous decade has caused nearly irreversible damage.

(9) Widespread risk aversion in clandestine HUMINT collection and intelligence analysis resulted from lack of resources and, more importantly, of political support for the mission during the middle of the previous decade.

(10) Unnecessarily cumbersome legal impediments to the clandestine HUMINT collection mission were raised during the middle of the previous decade, leaving our intelligence officers unable to penetrate legitimate target organizations, such as terrorist groups.

(11) Congress and the current President have worked cooperatively to restore funding, personnel levels, and political support for intelligence.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should be revitalized by investing in the missions, people, and capabilities of the community; and

(2) the efforts of the men and women of the intelligence community should be recognized and commended.

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

At the end of title III, insert the following new section:

SEC. 304. REPORTS ON PAKISTANI EFFORTS TO CURB PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND TO FIGHT TERRORISM.

(a) IN GENERAL.—The Director of Central Intelligence shall submit to the appropriate committees of Congress classified reports on the following matters:

(1) The efforts by the Government of Pakistan, or individuals or entities in Pakistan, to acquire or transfer weapons of mass destruction and related technologies, or missile equipment and technology, to any other nation, entity, or individual.

(2) The steps taken by the Government of Pakistan to combat proliferation of weapons of mass destruction and related technologies.

(3) The steps taken by the Government of Pakistan to safeguard nuclear weapons and related technologies in the possession of the Government of Pakistan.

(4) The size of the stockpile of fissile material of the Government of Pakistan and whether any additional fissile material has been produced.

(5) The efforts by the Government of Pakistan to fight Al Qaeda and the Taliban as well as to dismantle terrorist networks operating inside of Pakistan.

(6) The efforts by the Government of Pakistan to establish and strengthen democratic institutions in Pakistan.

(b) DEADLINE FOR SUBMITTAL OF REPORTS.—(1) The Director of Central Intelligence shall submit the first report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(2) The Director shall submit subsequent reports required under subsection (a) on April 1 of 2005, 2006, 2007, 2008, and 2009.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the following:

(A) The Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(2) WEAPONS OF MASS DESTRUCTION.—The term “weapons of mass destruction” has the meaning given such term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996. (Public Law 104–201).

(3) MISSILE EQUIPMENT AND TECHNOLOGY.—The term “missile equipment and technology” has the meaning given such term in section 74(a)(5) of the Arms Export Control Act (22 U.S.C. 2797c(a)(5)).

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHAYS OF CONNECTICUT, OR HIS DESIGNEE, TO BE DEBATABLE FOR 20 MINUTES

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS.

It is the Sense of Congress that the head of each element of the intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available upon a request from a committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, any information and documents in the possession or control of such element in connection with any investigation of that Office by such a committee.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUCINICH OF OHIO, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. INSPECTOR GENERAL REPORT ON EVIDENCE OF RELATIONSHIP BETWEEN SADDAM HUSSEIN AND AL-QAEDA.

(a) **AUDIT.**—The Inspector General of the Central Intelligence Agency shall conduct an audit of the evidence of any relationship, existing before September 11, 2001, between the regime of Saddam Hussein and al-Qaeda, referenced in all intelligence reporting of the Central Intelligence Agency, including products, briefings and memoranda, distributed to the White House and Congress.

(b) **REPORT TO CONGRESS.**—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the audit conducted under subsection (a).

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SIMMONS OF CONNECTICUT, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. REPORT ON USE OF OPEN SOURCE INTELLIGENCE.

Not later than 6 months after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress an unclassified report on progress made by the intelligence community with respect to the use of Open Source Intelligence (OSINT).

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REYES OF TEXAS, OR HIS DESIGNEE, TO BE DEBATABLE FOR 20 MINUTES

At the end of title III, insert the following new section:

SEC. 304. REQUIREMENT FOR IMMEDIATE SUBMITTAL OF DOCUMENTS RELATING TO DETAINEES OF THE UNITED STATES.

(a) **WITHHOLDING OF 25 PERCENT OF FUNDING FOR CERTAIN PROGRAMS.**—25 percent of amounts otherwise available to carry out the functions or duties under the following programs may not be obligated or expended until the date on which all of the documents described in subsection (b) are submitted to the appropriate congressional committees:

- (1) The Central Intelligence Agency Program.
- (2) The Army Tactical Intelligence and Related Activities Program.
- (3) The General Defense Intelligence Program.
- (4) The Joint Military Intelligence Program.

(b) **DOCUMENTS DESCRIBED.**—The documents referred to in subsection (a) are all documents, including reports, correspondence, legal memoranda, and electronic communications related to the handling and treatment of detainees under the custody and control of the United States or individuals held on behalf of the United States in Iraq, Afghanistan, Guantanamo Bay, Cuba, and elsewhere.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(1) The Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) The Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

