

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 754) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2011 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

MAY 11, 2011.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 264]

The Committee on Rules, having had under consideration House Resolution 264, 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. 754, the Intelligence Authorization Act for Fiscal Year 2011, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The resolution waives all points of order against consideration of the bill. The resolution 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 resolution waives all points of order against the committee amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment 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 division of the question in the House or in the Committee of the Whole. All points of order against the amendments are waived. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill, the Committee is not aware of any points of order against its consideration. The waiver is prophylactic in nature.

The resolution waives all points of order against the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence made in order as original text. The waiver of all points of order includes a waiver of clause 4 of rule XXI, which prohibits a bill or joint resolution carrying an appropriation from being reported by a committee not having jurisdiction to report appropriations. However, the amendment printed in this report numbered 1, to be offered by the Chairman of the Permanent Select Committee on Intelligence, would strike the provision (Sec. 412) in violation of clause 4 of rule XXI. If the amendment is adopted, the measure will then comport with the rule. The waiver of all points of order also includes a waiver of clause 7 of rule XVI because the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence includes provisions that are not germane to the introduced bill.

It is important to note that the estimate provided by the Congressional Budget Office (CBO) to the Permanent Select Committee on Intelligence and the Committee on the Budget is incomplete due to the fact that CBO is only permitted to score the unclassified portions of the bill. Because the estimate is incomplete, the Chairman of the Committee on the Budget is unable to accurately advise the Chair on budget related points of order.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order against the amendments and therefore the waiver is prophylactic in nature.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Rogers, Mike (MI): MANAGER'S AMENDMENT Would clarify that Section 411 of the bill, which provides certain authorities for Defense Intelligence Agency Expenditures, applies only to National Intelligence Program funds. Would also strike Section 412 of the reported bill, providing for the establishment of certain transfer accounts for intelligence funds. (10 minutes)

2. Barrow (GA): Would task the Director of National Intelligence with creating a pilot grant program for Historically Black Colleges and Universities to assist in creating and maintaining academic curricula that teach advanced critical foreign languages, and for study abroad programs. Amendment aims to help intelligence community meet strategic, diversity and critical language goals. (10 minutes)

3. Dent (PA): Would require the Director of National Intelligence and the Director of the CIA within 90 days of enactment of this Act to submit to the congressional intelligence committees all information possessed by the DNI and the CIA relating to the pursuit and targeting of Anwar al-Awlaki by the Federal Government, as well as an analysis of the legal impediments to pursuing the capture of Anwar al-Awlaki. (10 minutes)

4. Welch (VT): Would instruct the Director of National Intelligence to create and implement guidelines for the use of contractors. (10 minutes)

5. Gibson (NY): Would require the Director of National Intelligence to submit to Congress a report containing recommendations the Director considers appropriate for consolidating the intelligence community. (10 minutes)

6. Waters (CA): Would require, within 180 days after enactment, the Inspector General of the Intelligence Community to submit to Congress a report on the degree to which racial and ethnic minorities in the United States are employed in professional positions in the intelligence community and barriers to the recruitment and retention of additional racial and ethnic minorities in these positions. (10 minutes)

7. Hinchey (NY): Would require the Director of National Intelligence (DNI) to report to the House and Senate Intelligence panels on information it has regarding the human rights violations of the military government in Argentina that resulted in 30,000 disappearances between the mid-1970's and mid-1980's. The amendment also seeks to help shed light on the unknown fate of hundreds of Argentine children who were born in captivity and distributed to members of the Argentine security forces. (10 minutes)

8. Carney (DE): Would establish the sense of Congress that railway transportation should be included in transportation security plans for intelligence agencies. (10 minutes)

9. Grimm (NY), Reed (NY): Would commend the United States intelligence community for their successful operation in bringing Osama bin Laden to justice and their continued efforts against al Qaeda. It is based on Senate Resolution 159, which passed the Senate 97 to 0. (30 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

Page 12, line 10, insert "under the National Intelligence Program" after "the Director".

Page 12, line 17, insert "under the National Intelligence Program" after "the Director".

Strike section 412.

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

After section 303, insert the following:

SEC. 304. INTELLIGENCE OFFICER TRAINING PROGRAM.

Section 1024 of the National Security Act of 1947 (50 U.S.C. 441p) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b), the following:

“(c) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

“(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

“(A) Intermediate and advanced foreign languages deemed in the immediate interest of the intelligence community, including Farsi, Pashto, Middle Eastern, African, and South Asian dialects.

“(B) Study abroad programs and cultural immersion programs.”; and

(4) in paragraph (g) (as so redesignated)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1), the following:

“(2) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term ‘historically black college and university’ has the meaning given the term ‘part B institution’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).”; and

(C) by adding at the end the following:

“(4) STUDY ABROAD PROGRAM.—The term ‘study abroad program’ means a program of study that—

“(A) takes places outside the geographical boundaries of the United States;

“(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin America, and the Middle East; and

“(C) is a credit or noncredit program.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENT OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

SEC. 304. INFORMATION ON PURSUIT OF ANWAR AL-AWLAKI.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Director of the Central Intelligence Agency shall jointly submit to the congressional intelligence committees—

(1) all information in the possession of the Office of the Director of National Intelligence and the Central Intelligence Agency relating to the pursuit and targeting of Anwar al-Awlaki by the Federal Government; and

(2) an analysis of the legal impediments to pursuing the capture of Anwar al-Awlaki.

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

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

SEC. 304. OVERSIGHT OF CONTRACTORS.

The Director of National Intelligence shall issue guidance on the proper use of contractors by the intelligence community to—

- (1) increase efficiency and streamline operations; and
- (2) prioritize national security.

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

At the end of subtitle A of title IV (page 11, after line 20), add the following new section:

SEC. 403. REPORT ON POTENTIAL CONSOLIDATION OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Not later than December 31, 2011, the Director of National Intelligence shall submit to congress a report containing any recommendations the Director considers appropriate for consolidating elements of the intelligence community.

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

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

SEC. 403. INSPECTOR GENERAL REPORT RECRUITMENT AND RETENTION OF RACIAL AND ETHNIC MINORITIES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report on the degree to which racial and ethnic minorities in the United States are employed in professional positions in the intelligence community and barriers to the recruitment and retention of additional racial and ethnic minorities in such positions.

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

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

At the appropriate place in the bill, insert the following new section:

SEC. ____ . REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence 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 during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de

Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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.

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

At the end of the bill, add the following new title:

TITLE V—OTHER MATTERS

SEC. 501. SENSE OF CONGRESS REGARDING THE PRIORITY OF RAILWAY TRANSPORTATION SECURITY.

It is the sense of Congress that—

(1) railway transportation (including subway transit) should be prioritized in the development of transportation security plans by the intelligence community; and

(2) railway transportation security (including subway transit security) should be included in transportation security budgets of the intelligence community.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIMM OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of the bill, add the following new title:

TITLE V—HONORING THE MEMBERS OF THE INTELLIGENCE COMMUNITY FOR THEIR ROLE IN THE MISSION THAT KILLED OSAMA BIN LADEN ON MAY 1, 2011

SEC. 501. HONORING THE MEMBERS OF THE INTELLIGENCE COMMUNITY FOR THEIR ROLE IN THE MISSION THAT KILLED OSAMA BIN LADEN ON MAY 1, 2011.

Congress—

(1) commends the men and women of the intelligence community for the tremendous commitment, perseverance, professionalism, and sacrifice they displayed in bringing Osama bin Laden to justice;

(2) commends the men and women of the intelligence community for committing themselves to defeating, disrupting, and dismantling al Qaeda; and

(3) reaffirms its commitment to using the capabilities and skills of the intelligence community to—

(A) disrupt, dismantle, and defeat al Qaeda and affiliated organizations around the world that threaten the national security of the United States;

(B) eliminate safe havens for terrorists in Afghanistan and Pakistan; and

(C) bring terrorists to justice.