



Legislative Bulletin.....September 9, 2011

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Amendments to H.R. 1892 - Intelligence Authorization Act for Fiscal Year 2012

H.R. 1892 - Intelligence Authorization Act for Fiscal Year 2012 (Rogers, R-MI)

Order of Business: The legislation is scheduled to be considered on Friday, September 9, 2011, under a structured rule. The rule, [H.Res. 392](#), provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The rule, waives all points of order against consideration of H.R. 1892. The rule makes in order only those amendments summarized below, and it provides one motion to recommit H.R. 1892 with or without instructions.

The rule also provides that a motion to proceed with regard to a joint resolution of disapproval specified in subsection (a)(1) of section 3101A of title 31, United States Code shall be in order only if offered by the Majority Leader or his designee; and may be offered even following the sixth day specified in subsection (c)(3) of such section but not later than the legislative day of September 14, 2011.

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SUMMARY OF AMENDMENTS TO BE MADE IN ORDER:

Rogers (R-MI) #13. This amendment makes technical corrections to the underlying legislation. The amendment includes clarifying language regarding section 102 that would limit distribution of the classified annex to ensure that the Executive Branch may distribute within the Executive Branch as necessary to implement the budget.

The amendment strikes section 307 and section 309. These sections are not contained in the text that was reported to the House.

The amendment clarifies that decisions made pursuant to the authority in section 310 may not be delegated to an official below the level of the service acquisition executive for the agency concerned. Section 310 is not contained in the text that was reported to the House.

The amendment adds a new section that would permit the President to make temporary appointments to fill vacancies in offices within the Office of the Director of National Intelligence

that require Senate confirmation (except the DNI, for whom by Section 103A(a)(6) of the National Security Act of 1947 the Principal Deputy DNI is next in line) with a senior official who serves in another element of the Intelligence Community.

The amendment strikes section 421, which requires confirmation of the Director of the National Security Agency. This section is not contained in the text that was reported to the House. The text of the amendment can be [viewed here](#).

Wolf (R-VA) #8. This amendment states that it is the sense of Congress that:

- “Terrorism and domestic radicalization represent evolving, dynamic, multidimensional threats that necessitate a structured, iterative process to continuously revise plans, operations, concepts, organizations, and capabilities; and
- “Past federal experience in competitive analysis executed by experts drawn from outside the government has helped the intelligence community and policymakers better understand the nature of complex threats to the United States.”

This amendment establishes a council known as the “Counterterrorism Competitive Analysis Council.” This Council shall advise the Director of National Intelligence on matters of policy relating to the threats of international terrorism and domestic radicalization based on all-source information. The Council will prepare a competitive analysis of each national intelligence estimate concerning al-Qaeda and other foreign terrorist organization and submit such analysis to the Director of National Intelligence and the National Intelligence Council. The Council will also annually submit, to Congress, an unclassified report, on trends in counterterrorism and domestic radicalization.

This amendment contains membership requirements for the Council and guidelines for the Director of National Intelligence when appointing members. The Council is allowed to acquire paid staff as may be necessary. The Director of National Intelligence shall transmit to the Council each national intelligence estimate concerning al-Qaeda and other foreign terrorist organizations. The Council will also have access to intelligence information in possession of the intelligence community.

This amendment authorizes for appropriation \$5,000,000 for each fiscal year 2012 – 2017 to carry out the duties of the Council. Within one year after the date of enactment, an initial report is required. The text of the amendment can be [viewed here](#).

Hinchey (D-NY) #9. Within 270 after enactment, this amendment would require the Director of National Intelligence to submit a report, to Congress, detailing information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

- The accession to power by the military of the Republic of Argentina in 1976;
- Violations of human rights committed by the Argentine military and security forces;
- Operation Condor and Argentina’s role in cross-border counterinsurgency or counter-terror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

The report would also be required to include information on abductions, torture, disappearances, and executions by security forces and other forms of repressions that took place at:

- The Argentine Navy Mechanical School;
- Automotores Orletti;
- Operaciones Tacticas 18;
- La Perla;
- Campo de Mayo; and
- Institutos Militares.

These reports shall be unclassified but may include a classified annex. The text of the amendment can be [viewed here](#).

Cuellar (D-TX) #3. Within one year after enactment, this amendment would require the head of each agency within the intelligence community to submit a report, to Congress, on the potential security risks associated with computer hardware acquired for use with classified information, including recommendations of what steps need to be taken to ensure that hardware will not be used to disclose classified information to an unauthorized person. The text of the amendment can be [viewed here](#).

Holt (D-NJ) #6. Within 180 days after enactment, this amendment would require the Director of National Intelligence to submit a report, to Congress, estimating the impact of recent revolutions in North Africa and the Middle East on the security of the State of Israel. The text of the amendment can be [viewed here](#).

Hunter (R-CA) #7. This amendment would instruct the Director of National Intelligence, and the Secretary of Defense, to establish a strategy to identify and counter network activity and operations in Pakistan and Afghanistan relating to the development and use of improved explosive devices (IEDs). This amendment also requires a report, to Congress, that will detail the networks that design, provide training, and smuggle IED components in Afghanistan. The report will also detail individuals and organizations, who are not directly affiliated with insurgents in Afghanistan, who knowingly enable IED material from factories and vendors in Pakistan into Afghanistan. The report will also detail the financiers, financial networks and institutions that provide resources to the insurgency in Afghanistan. Additionally, it will describe the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate. This report is due within 120 days after enactment. The text of the amendment can be [viewed here](#).

Carney (D-DE) #2. This amendment states that it is the sense of Congress that:

- “The nation’s railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the intelligence community to identify, monitor, and respond to threats;
- “The Department of Homeland Security Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and
- “Railway transportation security (including subway transit security) should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of

Intelligence and Analysis and included in threat assessment budgets of the intelligence community.”

The text of the amendment can be [viewed here](#).

Cuellar (D-TX) #4. This amendment would amend the National Security Act of 1947, to require each national security report to include a comprehensive description and discussion of: “efficiencies, cost saving mechanisms, and methods to streamline national, defense, and homeland security intelligence capabilities.” The text of the amendment can be [viewed here](#).

Keating (D-MA) #11. This amendment expresses that it is the sense of Congress that the Secretary of Homeland Security “should continue to integrate and leverage fusion centers to enlist all of the 8 intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States. The text of the amendment can be [viewed here](#).