

Calendar No. 692108TH CONGRESS
2D SESSION**S. 2774**

To implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2004

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAYH, Mr. GRAHAM of South Carolina, Mr. DASCHLE, Mrs. CLINTON, Mr. NELSON of Florida, Mr. CORZINE, Ms. MIKULSKI, and Mrs. MURRAY) introduced the following bill; which was read the first time

SEPTEMBER 8, 2004

Read the second time and placed on the calendar

A BILL

To implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the “9/
5 11 Commission Report Implementation Act of 2004”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REFORM OF INTELLIGENCE COMMUNITY

Sec. 101. Short title.

Sec. 102. Definitions.

Subtitle A—National Intelligence Authority

Sec. 111. National Intelligence Authority.

Sec. 112. National Intelligence Director.

Sec. 113. Office of the National Intelligence Director.

Sec. 114. Deputy National Intelligence Directors.

Sec. 115. National Intelligence Council.

Sec. 116. General Counsel of the National Intelligence Authority.

Sec. 117. Inspector General of the National Intelligence Authority.

Sec. 118. Intelligence Comptroller.

Sec. 119. Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.

Sec. 120. Privacy Officer of the National Intelligence Authority.

Sec. 121. Chief Information Officer of the National Intelligence Authority.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

Sec. 131. Provision of national intelligence.

Sec. 132. Responsibilities of National Intelligence Director.

Sec. 133. Authorities of National Intelligence Director.

Sec. 134. Enhanced personnel management.

Sec. 135. Role of National Intelligence Director in appointment and termination of certain officials responsible for intelligence-related activities.

Subtitle C—Elements of National Intelligence Authority

Sec. 141. National Counterterrorism Center.

Sec. 142. National intelligence centers.

Subtitle D—Additional Authorities of National Intelligence Authority

Sec. 151. Use of appropriated funds.

Sec. 152. Procurement authorities.

Sec. 153. Personnel matters.

Sec. 154. Ethics matters.

Subtitle E—Additional Improvements of Intelligence Activities

Sec. 161. Availability to public of certain intelligence funding information.

Sec. 162. Merger of Homeland Security Council into National Security Council.

Sec. 163. Reform of Central Intelligence Agency.

Sec. 164. Paramilitary operations.

Sec. 165. Improvement of intelligence capabilities of the Federal Bureau of Investigation.

Sec. 166. Report on implementation of intelligence community reform.

Subtitle F—Conforming and Other Amendments

- Sec. 171. Restatement and modification of basic authority of the Central Intelligence Agency.
- Sec. 172. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.
- Sec. 173. Other conforming amendments.
- Sec. 174. Elements of intelligence community under National Security Act of 1947.
- Sec. 175. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
- Sec. 176. Repeal of superseded authorities.
- Sec. 177. Clerical amendments to National Security Act of 1947.
- Sec. 178. Conforming amendments relating to dual service of certain officials as Deputy National Intelligence Directors.
- Sec. 179. Conforming amendment to Inspector General Act of 1978.

Subtitle G—Other Matters

- Sec. 181. Transfer of Community Management Staff.
- Sec. 182. Transfer of Terrorist Threat Integration Center.
- Sec. 183. Termination of positions of Assistant Directors of Central Intelligence.
- Sec. 184. Termination of Joint Military Intelligence Program.
- Sec. 185. Executive schedule matters.
- Sec. 186. Preservation of intelligence capabilities.
- Sec. 187. General references.

TITLE II—INFORMATION SHARING

- Sec. 201. Information sharing.

TITLE III—CONGRESSIONAL REFORM

- Sec. 301. Findings.
- Sec. 302. Reorganization of congressional jurisdiction.

TITLE IV—PRESIDENTIAL TRANSITION

- Sec. 401. Presidential transition.

TITLE V—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

- Sec. 501. Report on terrorist sanctuaries.
- Sec. 502. Role of Pakistan in countering terrorism.
- Sec. 503. Aid to Afghanistan.
- Sec. 504. The United States-Saudi Arabia relationship.
- Sec. 505. Efforts to combat Islamic terrorism by engaging in the struggle of ideas in the Islamic world.
- Sec. 506. United States policy toward dictatorships.
- Sec. 507. Promotion of United States values through broadcast media.
- Sec. 508. Use of United States scholarship and exchange programs in the Islamic world.
- Sec. 509. International Youth Opportunity Fund.
- Sec. 510. Report on the use of economic policies to combat terrorism.
- Sec. 511. Middle East Partnership Initiative.
- Sec. 512. Comprehensive coalition strategy for fighting terrorism.

- Sec. 513. Detention and humane treatment of captured terrorists.
 Sec. 514. Proliferation of weapons of mass destruction.
 Sec. 515. Financing of terrorism.

TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING

- Sec. 601. Counterterrorist travel intelligence.
 Sec. 602. Integrated screening system.
 Sec. 603. Biometric entry and exit data system.
 Sec. 604. Travel documents.
 Sec. 605. Exchange of terrorist information.
 Sec. 606. Minimum standards for identification-related documents.

TITLE VII—TRANSPORTATION SECURITY

- Sec. 701. Definitions.
 Sec. 702. National Strategy for Transportation Security.
 Sec. 703. Use of watchlists for passenger air transportation screening.
 Sec. 704. Enhanced passenger and cargo screening.

TITLE VIII—NATIONAL PREPAREDNESS

- Sec. 801. Homeland security assistance.
 Sec. 802. The incident command system.
 Sec. 803. National Capital Region Mutual Aid.
 Sec. 804. Assignment of spectrum for public safety.
 Sec. 805. Urban area communications capabilities.
 Sec. 806. Private sector preparedness.
 Sec. 807. Critical infrastructure and readiness assessments.
 Sec. 808. Report on Northern Command and defense of the United States homeland.

TITLE IX—PROTECTION OF CIVIL LIBERTIES

- Sec. 901. Privacy and Civil Liberties Oversight Board.
 Sec. 902. Privacy and Civil Liberties Officers.

1 **TITLE I—REFORM OF** 2 **INTELLIGENCE COMMUNITY**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “National Intelligence
 5 Authority Act of 2004”.

6 **SEC. 102. DEFINITIONS.**

7 In this title:

8 (1) The term “intelligence” includes foreign in-
 9 telligence and counterintelligence.

1 (2) The term “foreign intelligence” means in-
2 formation relating to the capabilities, intentions, or
3 activities of foreign governments or elements thereof,
4 foreign organizations, or foreign persons, or inter-
5 national terrorist activities.

6 (3) The term “counterintelligence” means infor-
7 mation gathered, and activities conducted, to protect
8 against espionage, other intelligence activities, sabo-
9 tage, or assassinations conducted by or on behalf of
10 foreign governments or elements thereof, foreign or-
11 ganizations, or foreign persons, or international ter-
12 rorist activities.

13 (4) The term “intelligence community” includes
14 the following:

15 (A) The National Intelligence Authority.

16 (B) The Central Intelligence Agency.

17 (C) The National Security Agency.

18 (D) The Defense Intelligence Agency.

19 (E) The National Geospatial-Intelligence
20 Agency.

21 (F) The National Reconnaissance Office.

22 (G) Other offices within the Department of
23 Defense for the collection of specialized national
24 intelligence through reconnaissance programs.

1 (H) The intelligence elements of the Army,
2 the Navy, the Air Force, the Marine Corps, the
3 Federal Bureau of Investigation, and the De-
4 partment of Energy.

5 (I) The Bureau of Intelligence and Re-
6 search of the Department of State.

7 (J) The Office of Intelligence and Analysis
8 of the Department of the Treasury.

9 (K) The elements of the Department of
10 Homeland Security concerned with the analysis
11 of intelligence information, including the Office
12 of Intelligence of the Coast Guard.

13 (L) Such other elements of any other de-
14 partment or agency as may be designated by
15 the President, or designated jointly by the Na-
16 tional Intelligence Director and the head of the
17 department or agency concerned, as an element
18 of the intelligence community.

19 (5) The terms “national intelligence” and “in-
20 telligence related to the national security”—

21 (A) each refer to intelligence which per-
22 tains to the interests of more than one depart-
23 ment or agency of the Government; and

24 (B) do not refer to counterintelligence or
25 law enforcement activities conducted by the

1 Federal Bureau of Investigation except to the
2 extent provided for in procedures agreed to by
3 the National Intelligence Director and the At-
4 torney General, or otherwise as expressly pro-
5 vided for in this title.

6 (6) The term “National Intelligence Pro-
7 gram”—

8 (A)(i) refers to all national intelligence
9 programs, projects, and activities of the ele-
10 ments of the intelligence community; and

11 (ii) includes all programs, projects, and ac-
12 tivities (whether or not pertaining to national
13 intelligence) of the National Intelligence Au-
14 thority, the Central Intelligence Agency, the
15 National Security Agency, the National
16 Geospatial-Intelligence Agency, the National
17 Reconnaissance Office, the Office of Intelligence
18 of the Federal Bureau of Investigation, and the
19 Directorate of Information Analysis and Infra-
20 structure Protection of the Department of
21 Homeland Security; but

22 (B) does not refer—

23 (i) to any program, project, or activity
24 pertaining solely to the requirements of a

1 single department, agency, or element of
2 the United States Government; or

3 (ii) to any program, project, or activ-
4 ity of the military departments to acquire
5 intelligence solely for the planning and
6 conduct of tactical military operations by
7 the United States Armed Forces.

8 (7) The term “congressional intelligence com-
9 mittees” means—

10 (A) the Select Committee on Intelligence of
11 the Senate; and

12 (B) the Permanent Select Committee on
13 Intelligence of the House of Representatives.

14 **Subtitle A—National Intelligence**
15 **Authority**

16 **SEC. 111. NATIONAL INTELLIGENCE AUTHORITY.**

17 (a) INDEPENDENT ESTABLISHMENT.—There is here-
18 by established as an independent establishment in the ex-
19 ecutive branch of government the National Intelligence
20 Authority.

21 (b) COMPOSITION.—The National Intelligence Au-
22 thority is composed of the following:

23 (1) The Office of the National Intelligence Di-
24 rector.

25 (2) The elements specified in subtitle C.

1 (3) Such other elements, offices, agencies, and
2 activities as may be designated by law or by the
3 President as part of the Authority.

4 (c) PRIMARY MISSIONS.—The primary missions of
5 the National Intelligence Authority are as follows:

6 (1) To unify and strengthen the efforts of the
7 intelligence community.

8 (2) To ensure the organization of the efforts of
9 the intelligence community in a collective manner re-
10 lating to intelligence responsibilities.

11 (3) To provide for the operation of the National
12 Counterterrorism Center and the national intel-
13 ligence centers under subtitle C.

14 (4) To eliminate barriers in the conduct of the
15 counterterrorism activities of the United States Gov-
16 ernment between foreign intelligence activities con-
17 ducted inside and outside the United States while
18 ensuring the protection of civil liberties.

19 (5) To establish clear responsibility and ac-
20 countability for counterterrorism and other intel-
21 ligence matters relating to the national security of
22 the United States.

23 (d) SEAL.—The National Intelligence Director shall
24 have a seal for the National Intelligence Authority. The

1 design of the seal is subject to the approval of the Presi-
2 dent. Judicial notice shall be taken of the seal.

3 **SEC. 112. NATIONAL INTELLIGENCE DIRECTOR.**

4 (a) NATIONAL INTELLIGENCE DIRECTOR.—There is
5 a National Intelligence Director who shall be appointed
6 by the President, by and with the advice and consent of
7 the Senate.

8 (b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any
9 individual nominated for appointment as National Intel-
10 ligence Director shall have extensive national security ex-
11 pertise.

12 (c) PRINCIPAL DUTIES AND RESPONSIBILITIES.—
13 The National Intelligence Director shall—

14 (1) serve as head of the intelligence community
15 in accordance with the provisions of this Act, the
16 National Security Act of 1947 (50 U.S.C. 401 et
17 seq.), and other applicable provisions of law;

18 (2) act as a principal adviser to the President
19 for intelligence related to the national security;

20 (3) serve as the head of the National Intel-
21 ligence Authority (but may not serve as the Director
22 of the Central Intelligence Agency); and

23 (4) direct, manage, and oversee the execution of
24 the National Intelligence Program.

1 (d) GENERAL RESPONSIBILITIES AND AUTHORI-
2 TIES.—In carrying out the duties and responsibilities set
3 forth in subsection (c), the National Intelligence Director
4 shall have the responsibilities set forth in section 132 and
5 the authorities set forth in section 133 and other applica-
6 ble provisions of law.

7 **SEC. 113. OFFICE OF THE NATIONAL INTELLIGENCE DIREC-**
8 **TOR.**

9 (a) OFFICE OF NATIONAL INTELLIGENCE DIREC-
10 TOR.—There is within the National Intelligence Authority
11 an Office of the National Intelligence Director.

12 (b) FUNCTION.—The function of the Office of the
13 National Intelligence Director is to assist the National In-
14 telligence Director in carrying out the duties and respon-
15 sibilities of the Director under this Act, the National Secu-
16 rity Act of 1947 (50 U.S.C. 401 et seq.), and other appli-
17 cable provisions of law, and to carry out such other duties
18 as may be prescribed by the President or by law.

19 (c) COMPOSITION.—The Office of the National Intel-
20 ligence Director is composed of the following:

21 (1) The Deputy National Intelligence Director.

22 (2) The Deputy National Intelligence Director
23 for Foreign Intelligence.

24 (3) The Deputy National Intelligence Director
25 for Defense Intelligence.

1 (4) The Deputy National Intelligence Director
2 for Homeland Intelligence.

3 (5) The National Intelligence Council.

4 (6) The General Counsel of the National Intel-
5 ligence Authority.

6 (7) The Inspector General of the National In-
7 telligence Authority.

8 (8) The Intelligence Comptroller.

9 (9) The Officer for Civil Rights and Civil Lib-
10 erties of the National Intelligence Authority.

11 (10) The Privacy Officer of the National Intel-
12 ligence Authority.

13 (11) The Chief Information Officer of the Na-
14 tional Intelligence Authority.

15 (12) Such other offices and officials as may be
16 established by law or the Director may establish or
17 designate in the Office.

18 (d) STAFF.—(1) To assist the National Intelligence
19 Director in fulfilling the duties and responsibilities of the
20 Director, the Director shall employ and utilize in the Of-
21 fice of the National Intelligence Director a professional
22 staff having an expertise in matters relating to such duties
23 and responsibilities, and may establish permanent posi-
24 tions and appropriate rates of pay with respect to that
25 staff.

1 (2) The staff of the Office under paragraph (1) shall
2 include the elements of the Community Management Staff
3 that are transferred to the Office under section 181.

4 **SEC. 114. DEPUTY NATIONAL INTELLIGENCE DIRECTORS.**

5 (a) DEPUTY NATIONAL INTELLIGENCE DIRECTOR.—

6 (1) There is a Deputy National Intelligence Director who
7 shall be appointed by the President, by and with the advice
8 and consent of the Senate.

9 (2) Any individual nominated for appointment as
10 Deputy National Intelligence Director shall have extensive
11 national security experience and management expertise.

12 (3) The individual serving as Deputy National Intel-
13 ligence Director may not serve in any capacity in any
14 other element of the intelligence community.

15 (4) The Deputy National Intelligence Director shall
16 assist the National Intelligence Director in carrying out
17 the duties and responsibilities of the Director.

18 (5) The Deputy National Intelligence Director shall
19 act for, and exercise the powers of, the National Intel-
20 ligence Director during the absence or disability of the Na-
21 tional Intelligence Director or during a vacancy in the po-
22 sition of National Director of Intelligence.

23 (b) DEPUTY NATIONAL INTELLIGENCE DIRECTOR
24 FOR FOREIGN INTELLIGENCE.—(1) There is a Deputy
25 National Intelligence Director for Foreign Intelligence.

1 (2) The Director of the Central Intelligence Agency
2 under section 103 of the National Security Act of 1947
3 also serves as the Deputy National Intelligence Director
4 for Foreign Intelligence.

5 (3) In the capacity as Deputy National Intelligence
6 Director for Foreign Intelligence, the Deputy Director
7 shall—

8 (A) have the duties and responsibilities speci-
9 fied in subsection (e) with respect to the elements of
10 the intelligence community (as determined by the
11 National Intelligence Director) that are responsible
12 for foreign intelligence matters; and

13 (B) such other duties, responsibilities, and au-
14 thorities with respect to foreign intelligence as the
15 Director may assign.

16 (c) DEPUTY NATIONAL INTELLIGENCE DIRECTOR
17 FOR DEFENSE INTELLIGENCE.—(1) There is a Deputy
18 National Intelligence Director for Defense Intelligence.

19 (2) The Under Secretary of Defense for Intelligence
20 under section 137 of title 10, United States Code, also
21 serves as the Deputy National Intelligence Director for
22 Defense Intelligence.

23 (3) In the capacity as Deputy National Intelligence
24 Director for Defense Intelligence, the Deputy Director
25 shall—

1 (A) have the duties and responsibilities speci-
2 fied in subsection (e) with respect to the elements of
3 the intelligence community (as determined by the
4 National Intelligence Director) that are responsible
5 for defense intelligence matters; and

6 (B) such other duties, responsibilities, and au-
7 thorities with respect to foreign intelligence as the
8 Director may assign.

9 (d) DEPUTY NATIONAL INTELLIGENCE DIRECTOR
10 FOR HOMELAND INTELLIGENCE.—(1) There is a Deputy
11 National Intelligence Director for Homeland Intelligence.

12 (2)(A) At the election of the National Intelligence Di-
13 rector, one of the officials specified in subparagraph (B)
14 also serves as the Deputy National Intelligence Director
15 for Homeland Intelligence.

16 (B) The officials specified in this subparagraph are
17 as follows:

18 (i) The Under Secretary of Homeland Security
19 for Information Analysis and Infrastructure Protec-
20 tion under section 201 of the Homeland Security
21 Act of 2002 (6 U.S.C. 121).

22 (ii) The Executive Assistant Director for Intel-
23 ligence of the Federal Bureau of Investigation.

1 (3) In the capacity as Deputy National Intelligence
2 Director for Homeland Intelligence, the Deputy Director
3 shall—

4 (A) have the duties and responsibilities speci-
5 fied in subsection (e) with respect to the elements of
6 the intelligence community (as determined by the
7 National Intelligence Director) that are responsible
8 for homeland intelligence matters; and

9 (B) such other duties, responsibilities, and au-
10 thorities with respect to homeland intelligence as the
11 Director may assign.

12 (e) DUTIES AND RESPONSIBILITIES REGARDING
13 SPECIFIC INTELLIGENCE MATTERS.—Each Deputy Na-
14 tional Intelligence Director shall assist the National Intel-
15 ligence Director and the Deputy National Intelligence Di-
16 rector under subsection (a) in—

17 (1) managing the collection, analysis, produc-
18 tion, and dissemination of intelligence in accordance
19 with the standards, requirements, and priorities es-
20 tablished by the National Intelligence Director;

21 (2) ensuring the acquisition of collection sys-
22 tems in accordance with the standards, require-
23 ments, and priorities established by the National In-
24 telligence Director;

1 (3) setting standards, requirements, and prior-
2 ities for the hiring and training of personnel;

3 (4) assigning or detailing personnel as staff of
4 the national intelligence centers;

5 (5) overseeing the performance of the national
6 intelligence centers, subject to the direction of the
7 National Intelligence Director;

8 (6) ensuring that the intelligence community
9 makes better use of open source information and
10 analysis; and

11 (7) coordinating among the agencies, elements,
12 and components of the intelligence community.

13 **SEC. 115. NATIONAL INTELLIGENCE COUNCIL.**

14 (a) NATIONAL INTELLIGENCE COUNCIL.—There is a
15 National Intelligence Council.

16 (b) COMPOSITION.—(1) The National Intelligence
17 Council shall be composed of senior analysts within the
18 intelligence community and substantive experts from the
19 public and private sector, who shall be appointed by, re-
20 port to, and serve at the pleasure of, the National Intel-
21 ligence Director.

22 (2) The Director shall prescribe appropriate security
23 requirements for personnel appointed from the private sec-
24 tor as a condition of service on the Council, or as contrac-
25 tors of the Council or employees of such contractors, to

1 ensure the protection of intelligence sources and methods
2 while avoiding, wherever possible, unduly intrusive re-
3 quirements which the Director considers to be unnecessary
4 for this purpose.

5 (c) DUTIES AND RESPONSIBILITIES.—(1) The Na-
6 tional Intelligence Council shall—

7 (A) subject to paragraph (2), produce national
8 intelligence estimates for the United States Govern-
9 ment, including, whenever the Council considers ap-
10 propriate, alternative views held by elements of the
11 intelligence community;

12 (B) evaluate community-wide collection and
13 production of intelligence by the intelligence commu-
14 nity and the requirements and resources of such col-
15 lection and production; and

16 (C) otherwise assist the National Intelligence
17 Director in carrying out the responsibilities of the
18 Director under section 131.

19 (2) The National Intelligence Director shall ensure
20 that the Council satisfies the needs of policymakers and
21 other consumers of intelligence by ensuring that each na-
22 tional intelligence estimate under paragraph (1)—

23 (A) states separately, and distinguishes be-
24 tween, the intelligence underlying such estimate and

1 the assumptions and judgments of analysts with re-
2 spect to such intelligence and such estimate;

3 (B) describes the quality and reliability of the
4 intelligence underlying such estimate;

5 (C) presents and explains alternative conclu-
6 sions, if any, with respect to the intelligence under-
7 lying such estimate and such estimate; and

8 (D) characterizes the uncertainties, if any, and
9 confidence in such estimate.

10 (d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.—

11 Within their respective areas of expertise and under the
12 direction of the National Intelligence Director, the mem-
13 bers of the National Intelligence Council shall constitute
14 the senior intelligence advisers of the intelligence commu-
15 nity for purposes of representing the views of the intel-
16 ligence community within the United States Government.

17 (e) AUTHORITY TO CONTRACT.—Subject to the direc-
18 tion and control of the National Intelligence Director, the
19 National Intelligence Council may carry out its respon-
20 sibilities under this section by contract, including con-
21 tracts for substantive experts necessary to assist the
22 Council with particular assessments under this section.

23 (f) STAFF.—The National Intelligence Director shall
24 make available to the National Intelligence Council such

1 staff as may be necessary to permit the Council to carry
2 out its responsibilities under this section.

3 (g) AVAILABILITY OF COUNCIL AND STAFF.—(1)

4 The National Intelligence Director shall take appropriate
5 measures to ensure that the National Intelligence Council
6 and its staff satisfy the needs of policymaking officials and
7 other consumers of intelligence.

8 (2) The Council shall be readily accessible to policy-
9 making officials and other appropriate individuals not oth-
10 erwise associated with the intelligence community.

11 (h) SUPPORT.—The heads of the elements of the in-
12 telligence community shall, as appropriate, furnish such
13 support to the National Intelligence Council, including the
14 preparation of intelligence analyses, as may be required
15 by the National Intelligence Director.

16 **SEC. 116. GENERAL COUNSEL OF THE NATIONAL INTEL-**
17 **LIGENCE AUTHORITY.**

18 (a) GENERAL COUNSEL OF NATIONAL INTEL-
19 LIGENCE AUTHORITY.—There is a General Counsel of the
20 National Intelligence Authority who shall be appointed
21 from civilian life by the President, by and with the advice
22 and consent of the Senate.

23 (b) PROHIBITION ON DUAL SERVICE AS GENERAL
24 COUNSEL OF ANOTHER AGENCY.—The individual serving
25 in the position of General Counsel of the National Intel-

1 ligen­ce Authority may not, while so serving, also serve as
2 the General Counsel of any other department, agency, or
3 element of the United States Government.

4 (c) SCOPE OF POSITION.—The General Counsel of
5 the National Intelligence Authority is the chief legal offi-
6 cer of the National Intelligence Authority.

7 (d) FUNCTIONS.—The General Counsel of the Na-
8 tional Intelligence Authority shall perform such functions
9 as the National Intelligence Director may prescribe.

10 **SEC. 117. INSPECTOR GENERAL OF THE NATIONAL INTEL-**
11 **LIGENCE AUTHORITY.**

12 (a) OFFICE OF INSPECTOR GENERAL OF NATIONAL
13 INTELLIGENCE AUTHORITY.—There is an Office of the
14 Inspector General of the National Intelligence Authority.

15 (b) PURPOSE.—The purpose of the Office of the In-
16 spector General of the National Intelligence Authority is
17 to—

18 (1) create an objective and effective office, ap-
19 propriately accountable to Congress, to initiate and
20 conduct independently investigations, inspections,
21 and audits relating to—

22 (A) the programs and operations of the
23 National Intelligence Authority;

1 (B) the relationships among the elements
2 of the intelligence community within the Na-
3 tional Intelligence Program; and

4 (C) the relationship of the Authority with
5 the other elements of the intelligence commu-
6 nity;

7 (2) provide leadership and recommend policies
8 designed to promote economy, efficiency, and effec-
9 tiveness in the administration of such programs and
10 operations, and in the relationships described in
11 paragraph (1), and to detect fraud and abuse in
12 such programs, operations, and relationships;

13 (3) provide a means for keeping the National
14 Intelligence Director fully and currently informed
15 about problems and deficiencies relating to the ad-
16 ministration of such programs and operations, and
17 in such relationships, and the necessity for, and the
18 progress of, corrective actions; and

19 (4) in the manner prescribed by this section,
20 ensure that the congressional intelligence committees
21 are kept similarly informed of significant problems
22 and deficiencies relating to the administration of
23 such programs and operations, and in such relation-
24 ships, as well as the necessity for, and the progress
25 of, corrective actions.

1 (c) INSPECTOR GENERAL OF NATIONAL INTEL-
2 LIGENCE AUTHORITY.—(1) There is an Inspector General
3 of the National Intelligence Authority, who shall be the
4 head of the Office of the Inspector General of the National
5 Intelligence Authority, who shall be appointed from civil-
6 ian life by the President, by and with the advice and con-
7 sent of the Senate.

8 (2) The nomination of an individual for appointment
9 as Inspector General shall be made—

10 (A) without regard to political affiliation;

11 (B) solely on the basis of integrity, compliance
12 with the security standards of the National Intel-
13 ligence Authority, and prior experience in the field
14 of intelligence or national security; and

15 (C) on the basis of demonstrated ability in ac-
16 counting, financial analysis, law, management anal-
17 ysis, public administration, or auditing.

18 (3) The Inspector General shall report directly to and
19 be under the general supervision of the National Intel-
20 ligence Director.

21 (4) The Inspector General may be removed from of-
22 fice only by the President. The President shall imme-
23 diately communicate in writing to the congressional intel-
24 ligence committees the reasons for the removal of any indi-
25 vidual from the position of Inspector General.

1 (d) DUTIES AND RESPONSIBILITIES.—It shall be the
2 duty and responsibility of the Inspector General of the Na-
3 tional Intelligence Authority—

4 (1) to provide policy direction for, and to plan,
5 conduct, supervise, and coordinate independently,
6 the investigations, inspections, and audits relating to
7 the programs and operations of the National Intel-
8 ligence Authority, and in the relationships among
9 the elements of the intelligence community within
10 the National Intelligence Program, to ensure they
11 are conducted efficiently and in accordance with ap-
12 plicable law and regulations;

13 (2) to keep the National Intelligence Director
14 fully and currently informed concerning violations of
15 law and regulations, violations of civil liberties and
16 privacy, and fraud and other serious problems,
17 abuses, and deficiencies that may occur in such pro-
18 grams and operations, and in the relationships de-
19 scribed in paragraph (1), and to report the progress
20 made in implementing corrective action;

21 (3) to take due regard for the protection of in-
22 telligence sources and methods in the preparation of
23 all reports issued by the Inspector General, and, to
24 the extent consistent with the purpose and objective
25 of such reports, take such measures as may be ap-

1 appropriate to minimize the disclosure of intelligence
2 sources and methods described in such reports; and

3 (4) in the execution of the duties and respon-
4 sibilities under this section, to comply with generally
5 accepted government auditing standards.

6 (e) LIMITATIONS ON ACTIVITIES.—(1) The National
7 Intelligence Director may prohibit the Inspector General
8 of the National Intelligence Authority from initiating, car-
9 rying out, or completing any investigation, inspection, or
10 audit if the Director determines that such prohibition is
11 necessary to protect vital national security interests of the
12 United States.

13 (2) If the Director exercises the authority under
14 paragraph (1), the Director shall submit an appropriately
15 classified statement of the reasons for the exercise of such
16 authority within seven days to the congressional intel-
17 ligence committees.

18 (3) The Director shall advise the Inspector General
19 at the time a report under paragraph (1) is submitted,
20 and, to the extent consistent with the protection of intel-
21 ligence sources and methods, provide the Inspector Gen-
22 eral with a copy of such report.

23 (4) The Inspector General may submit to the con-
24 gressional intelligence committees any comments on a re-
25 port of which the Inspector General has notice under para-

1 graph (3) that the Inspector General considers appro-
2 priate.

3 (f) AUTHORITIES.—(1) The Inspector General of the
4 National Intelligence Authority shall have direct and
5 prompt access to the National Intelligence Director when
6 necessary for any purpose pertaining to the performance
7 of the duties of the Inspector General.

8 (2)(A) The Inspector General shall have access to any
9 employee, or any employee of a contractor, of the National
10 Intelligence Authority whose testimony is needed for the
11 performance of the duties of the Inspector General.

12 (B) The Inspector General shall have direct access
13 to all records, reports, audits, reviews, documents, papers,
14 recommendations, or other material which relate to the
15 programs and operations with respect to which the Inspec-
16 tor General has responsibilities under this section.

17 (C) The level of classification or compartmentation
18 of information shall not, in and of itself, provide a suffi-
19 cient rationale for denying the Inspector General access
20 to any materials under subparagraph (B).

21 (D) Failure on the part of any employee or contractor
22 to cooperate with the Inspector General shall be grounds
23 for appropriate administrative actions by the Director, in-
24 cluding loss of employment or the termination of an exist-
25 ing contractual relationship.

1 (3) The Inspector General is authorized to receive
2 and investigate complaints or information from any person
3 concerning the existence of an activity constituting a viola-
4 tion of laws, rules, or regulations, or mismanagement,
5 gross waste of funds, abuse of authority, or a substantial
6 and specific danger to the public health and safety. Once
7 such complaint or information has been received from an
8 employee of the Authority—

9 (A) the Inspector General shall not disclose the
10 identity of the employee without the consent of the
11 employee, unless the Inspector General determines
12 that such disclosure is unavoidable during the course
13 of the investigation or the disclosure is made to an
14 official of the Department of Justice responsible for
15 determining whether a prosecution should be under-
16 taken; and

17 (B) no action constituting a reprisal, or threat
18 of reprisal, for making such complaint or disclosing
19 such information may be taken by any employee of
20 the Authority in a position to take such actions, un-
21 less such complaint was made or such information
22 was disclosed with the knowledge that it was false
23 or with willful disregard for its truth or falsity.

24 (4) The Inspector General shall have authority to ad-
25 minister to or take from any person an oath, affirmation,

1 or affidavit, whenever necessary in the performance of the
2 duties of the Inspector General, which oath, affirmation,
3 or affidavit when administered or taken by or before an
4 employee of the Office of the Inspector General of the Na-
5 tional Intelligence Authority designated by the Inspector
6 General shall have the same force and effect as if adminis-
7 tered or taken by or before an officer having a seal.

8 (5)(A) Except as provided in subparagraph (B), the
9 Inspector General is authorized to require by subpoena the
10 production of all information, documents, reports, an-
11 swers, records, accounts, papers, and other data and docu-
12 mentary evidence necessary in the performance of the du-
13 ties and responsibilities of the Inspector General.

14 (B) In the case of departments, agencies, and other
15 elements of the United States Government, the Inspector
16 General shall obtain information, documents, reports, an-
17 swers, records, accounts, papers, and other data and evi-
18 dence for the purpose specified in subparagraph (A) using
19 procedures other than by subpoenas.

20 (C) The Inspector General may not issue a subpoena
21 for or on behalf of any other element or component of the
22 Authority.

23 (D) In the case of contumacy or refusal to obey a
24 subpoena issued under this paragraph, the subpoena shall

1 be enforceable by order of any appropriate district court
2 of the United States.

3 (g) STAFF AND OTHER SUPPORT.—(1) The Inspec-
4 tor General of the National Intelligence Authority shall be
5 provided with appropriate and adequate office space at
6 central and field office locations, together with such equip-
7 ment, office supplies, maintenance services, and commu-
8 nications facilities and services as may be necessary for
9 the operation of such offices.

10 (2)(A) Subject to applicable law and the policies of
11 the National Intelligence Director, the Inspector General
12 shall select, appoint and employ such officers and employ-
13 ees as may be necessary to carry out the functions of the
14 Inspector General.

15 (B) In making selections under subparagraph (A),
16 the Inspector General shall ensure that such officers and
17 employees have the requisite training and experience to
18 enable the Inspector General to carry out the duties of
19 the Inspector General effectively.

20 (C) In meeting the requirements of this paragraph,
21 the Inspector General shall create within the Office of the
22 Inspector General of the National Intelligence Authority
23 a career cadre of sufficient size to provide appropriate con-
24 tinuity and objectivity needed for the effective perform-
25 ance of the duties of the Inspector General.

1 (3)(A) Subject to the concurrence of the Director, the
2 Inspector General may request such information or assist-
3 ance as may be necessary for carrying out the duties and
4 responsibilities of the Inspector General from any depart-
5 ment, agency, or other element of the United States Gov-
6 ernment.

7 (B) Upon request of the Inspector General for infor-
8 mation or assistance under subparagraph (A), the head
9 of the department, agency, or element concerned shall, in-
10 sofar as is practicable and not in contravention of any ex-
11 isting statutory restriction or regulation of the depart-
12 ment, agency, or element, furnish to the Inspector Gen-
13 eral, or to an authorized designee, such information or as-
14 sistance.

15 (h) REPORTS.—(1)(A) The Inspector General of the
16 National Intelligence Authority shall, not later than Janu-
17 ary 31 and July 31 of each year, prepare and submit to
18 the National Intelligence Director a classified semiannual
19 report summarizing the activities of the Office of the In-
20 spector General of the National Intelligence Authority
21 during the immediately preceding six-month periods end-
22 ing December 31 (of the preceding year) and June 30,
23 respectively.

24 (B) Each report under this paragraph shall include,
25 at a minimum, the following:

1 (i) A list of the title or subject of each inves-
2 tigation, inspection, or audit conducted during the
3 period covered by such report.

4 (ii) A description of significant problems,
5 abuses, and deficiencies relating to the administra-
6 tion of programs and operations of the National In-
7 telligence Authority identified by the Inspector Gen-
8 eral during the period covered by such report.

9 (iii) A description of the recommendations for
10 corrective action made by the Inspector General dur-
11 ing the period covered by such report with respect
12 to significant problems, abuses, or deficiencies iden-
13 tified in clause (ii).

14 (iv) A statement whether or not corrective ac-
15 tion has been completed on each significant rec-
16 ommendation described in previous semiannual re-
17 ports, and, in a case where corrective action has
18 been completed, a description of such corrective ac-
19 tion.

20 (v) An assessment of the effectiveness of all
21 measures in place in the Authority for the protection
22 of civil liberties and privacy of United States per-
23 sons.

24 (vi) A certification whether or not the Inspector
25 General has had full and direct access to all infor-

1 mation relevant to the performance of the functions
2 of the Inspector General.

3 (vii) A description of the exercise of the sub-
4 poena authority under subsection (f)(5) by the In-
5 spector General during the period covered by such
6 report.

7 (viii) Such recommendations as the Inspector
8 General considers appropriate for legislation to pro-
9 mote economy and efficiency in the administration of
10 programs and operations undertaken by the Author-
11 ity, and to detect and eliminate fraud and abuse in
12 such programs and operations.

13 (C) Not later than 30 days after the date of the sub-
14 mittal of a report under subparagraph (A), the Director
15 shall transmit the report to the congressional intelligence
16 committees together with any comments the Director con-
17 siders appropriate.

18 (2)(A) The Inspector General shall report imme-
19 diately to the Director whenever the Inspector General be-
20 comes aware of particularly serious or flagrant problems,
21 abuses, or deficiencies relating to the administration of
22 programs or operations of the Authority or regarding rela-
23 tionships among the elements of the intelligence commu-
24 nity within the National Intelligence Program.

1 (B) The Director shall transmit to the congressional
2 intelligence committees each report under subparagraph
3 (A) within seven calendar days of receipt of such report,
4 together with such comments as the Director considers ap-
5 propriate.

6 (3) In the event that—

7 (A) the Inspector General is unable to resolve
8 any differences with the Director affecting the exe-
9 cution of the duties or responsibilities of the Inspec-
10 tor General;

11 (B) an investigation, inspection, or audit car-
12 ried out by the Inspector General should focus on
13 any current or former Authority official who holds
14 or held a position in the Authority that is subject to
15 appointment by the President, by and with the ad-
16 vice and consent of the Senate, including such a po-
17 sition held on an acting basis;

18 (C) a matter requires a report by the Inspector
19 General to the Department of Justice on possible
20 criminal conduct by a current or former official de-
21 scribed in subparagraph (B);

22 (D) the Inspector General receives notice from
23 the Department of Justice declining or approving
24 prosecution of possible criminal conduct of any cur-

1 rent or former official described in subparagraph
2 (B); or

3 (E) the Inspector General, after exhausting all
4 possible alternatives, is unable to obtain significant
5 documentary information in the course of an inves-
6 tigation, inspection, or audit,

7 the Inspector General shall immediately notify and submit
8 a report on such matter to the congressional intelligence
9 committees.

10 (4) Pursuant to title V of the National Security Act
11 of 1947 (50 U.S.C. 413 et seq.), the Director shall submit
12 to the congressional intelligence committees any report or
13 findings and recommendations of an investigation, inspec-
14 tion, or audit conducted by the office which has been re-
15 quested by the Chairman or Ranking Minority Member
16 of either committee.

17 (5)(A) An employee of the Authority, or of a con-
18 tractor to the Authority, who intends to report to Congress
19 a complaint or information with respect to an urgent con-
20 cern may report such complaint or information to the In-
21 spector General.

22 (B) Not later than the end of the 14-calendar day
23 period beginning on the date of receipt from an employee
24 of a complaint or information under subparagraph (A),
25 the Inspector General shall determine whether the com-

1 plaint or information appears credible. Upon making such
2 a determination, the Inspector General shall transmit to
3 the Director a notice of that determination, together with
4 the complaint or information.

5 (C) Upon receipt of a transmittal from the Inspector
6 General under subparagraph (B), the Director shall, with-
7 in seven calendar days of such receipt, forward such trans-
8 mittal to the congressional intelligence committees, to-
9 gether with any comments the Director considers appro-
10 prie.

11 (D)(i) If the Inspector General does not find credible
12 under subparagraph (B) a complaint or information sub-
13 mitted under subparagraph (A), or does not transmit the
14 complaint or information to the Director in accurate form
15 under subparagraph (B), the employee (subject to clause
16 (ii)) may submit the complaint or information to Congress
17 by contacting either or both of the congressional intel-
18 ligence committees directly.

19 (ii) An employee may contact the intelligence commit-
20 tees directly as described in clause (i) only if the em-
21 ployee—

22 (I) before making such a contact, furnishes to
23 the Director, through the Inspector General, a state-
24 ment of the employee's complaint or information and

1 notice of the employee's intent to contact the con-
2 gressional intelligence committees directly; and

3 (II) obtains and follows from the Director,
4 through the Inspector General, direction on how to
5 contact the intelligence committees in accordance
6 with appropriate security practices.

7 (iii) A member or employee of one of the congres-
8 sional intelligence committees who receives a complaint or
9 information under clause (i) does so in that member or
10 employee's official capacity as a member or employee of
11 such committee.

12 (E) The Inspector General shall notify an employee
13 who reports a complaint or information to the Inspector
14 General under this paragraph of each action taken under
15 this paragraph with respect to the complaint or informa-
16 tion. Such notice shall be provided not later than three
17 days after any such action is taken.

18 (F) An action taken by the Director or the Inspector
19 General under this paragraph shall not be subject to judi-
20 cial review.

21 (G) In this paragraph, the term "urgent concern"
22 means any of the following:

23 (i) A serious or flagrant problem, abuse, viola-
24 tion of law or Executive order, or deficiency relating
25 to the funding, administration, or operations of an

1 intelligence activity involving classified information,
2 but does not include differences of opinions con-
3 cerning public policy matters.

4 (ii) A false statement to Congress, or a willful
5 withholding from Congress, on an issue of material
6 fact relating to the funding, administration, or oper-
7 ation of an intelligence activity.

8 (iii) An action, including a personnel action de-
9 scribed in section 2302(a)(2)(A) of title 5, United
10 States Code, constituting reprisal or threat of re-
11 prisal prohibited under subsection (f)(3)(B) of this
12 section in response to an employee's reporting an ur-
13 gent concern in accordance with this paragraph.

14 (6) In accordance with section 535 of title 28, United
15 States Code, the Inspector General shall report to the At-
16 torney General any information, allegation, or complaint
17 received by the Inspector General relating to violations of
18 Federal criminal law that involve a program or operation
19 of the Authority, consistent with such guidelines as may
20 be issued by the Attorney General pursuant to subsection
21 (b)(2) of such section. A copy of each such report shall
22 be furnished to the Director.

23 (i) SEPARATE BUDGET ACCOUNT.—The National In-
24 telligence Director shall, in accordance with procedures to
25 be issued by the Director in consultation with the congress-

1 sional intelligence committees, include in the National In-
2 telligence Program budget a separate account for the Of-
3 fice of Inspector General of the National Intelligence Au-
4 thority.

5 **SEC. 118. INTELLIGENCE COMPTROLLER.**

6 (a) INTELLIGENCE COMPTROLLER.—There is an In-
7 telligence Comptroller who shall be appointed from civilian
8 life by the National Intelligence Director.

9 (b) SUPERVISION.—The Intelligence Comptroller
10 shall report directly to the National Intelligence Director.

11 (c) DUTIES.—The Intelligence Comptroller shall—

12 (1) assist the National Intelligence Director in
13 the preparation and execution of the budget of the
14 elements of the intelligence community within the
15 National Intelligence Program;

16 (2) assist the Director in participating in the
17 development by the Secretary of Defense of the an-
18 nual budget for military intelligence programs and
19 activities outside the National Intelligence Program;

20 (3) provide unfettered access to the Director to
21 financial information under the National Intelligence
22 Program;

23 (4) perform such other duties as may be pre-
24 scribed by the Director or specified by law.

1 **SEC. 119. OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-**
2 **ERTIES OF THE NATIONAL INTELLIGENCE**
3 **AUTHORITY.**

4 (a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-
5 ERTIES OF NATIONAL INTELLIGENCE AUTHORITY.—
6 There is an Officer for Civil Rights and Civil Liberties
7 of the National Intelligence Authority who shall be ap-
8 pointed by the National Intelligence Director.

9 (b) SUPERVISION.—The Officer for Civil Rights and
10 Civil Liberties of the National Intelligence Authority shall
11 report directly to the National Intelligence Director.

12 (c) DUTIES.—The Officer for Civil Rights and Civil
13 Liberties of the National Intelligence Authority shall—

14 (1) assist the National Intelligence Director in
15 ensuring that the protection of civil rights and civil
16 liberties is appropriately incorporated in the policies
17 and procedures developed for and implemented by
18 the National Intelligence Authority and in the rela-
19 tionships among the elements of the intelligence
20 community within the National Intelligence Pro-
21 gram;

22 (2) oversee compliance by the Authority, and in
23 the relationships described in paragraph (1), with
24 requirements under the Constitution and all laws,
25 regulations, Executive orders, and implementing
26 guidelines relating to civil rights and civil liberties;

1 (3) review, investigate, and assess complaints
2 and other information indicating possible abuses of
3 civil rights or civil liberties in the administration of
4 the programs and operations of the Authority, and
5 in the relationships described in paragraph (1), un-
6 less, in the determination of the Inspector General
7 of the National Intelligence Authority, the review,
8 investigation, or assessment of a particular com-
9 plaint or information can better be conducted by the
10 Inspector General; and

11 (4) perform such other duties as may be pre-
12 scribed by the Director or specified by law.

13 **SEC. 120. PRIVACY OFFICER OF THE NATIONAL INTEL-**
14 **LIGENCE AUTHORITY.**

15 (a) PRIVACY OFFICER OF NATIONAL INTELLIGENCE
16 AUTHORITY.—There is a Privacy Officer of the National
17 Intelligence Authority who shall be appointed by the Na-
18 tional Intelligence Director.

19 (b) DUTIES.—The Privacy Officer of the National In-
20 telligence Authority shall have primary responsibility for
21 the privacy policy of the National Intelligence Authority,
22 including—

23 (1) assuring that the use of technologies sus-
24 tain, and do not erode, privacy protections relating

1 to the use, collection, and disclosure of personal in-
2 formation;

3 (2) assuring that personal information con-
4 tained in Privacy Act systems of records is handled
5 in full compliance with fair information practices as
6 set out in the Privacy Act of 1974;

7 (3) conducting privacy impact assessments
8 when appropriate or as required by law; and

9 (4) performing such other duties as may be pre-
10 scribed by the Director or specified by law.

11 **SEC. 121. CHIEF INFORMATION OFFICER OF THE NATIONAL**
12 **INTELLIGENCE AUTHORITY.**

13 (a) CHIEF INFORMATION OFFICER OF NATIONAL IN-
14 TELLIGENCE AUTHORITY.—There is a Chief Information
15 Officer of the National Intelligence Authority who shall
16 be appointed by the National Intelligence Director.

17 (b) DUTIES.—The Chief Information Officer of the
18 National Intelligence Authority shall—

19 (1) assist the National Intelligence Director in
20 developing and implementing an integrated informa-
21 tion technology network, as required by section
22 132(a)(14);

23 (2) develop an enterprise architecture for the
24 intelligence community and assist the Director in en-

1 suring that elements of the intelligence community
2 comply with such architecture;

3 (3) ensure that the elements of the intelligence
4 community have direct and continuous electronic ac-
5 cess to all information (including unevaluated intel-
6 ligence) necessary for appropriately cleared analysts
7 to conduct comprehensive all-source analysis and for
8 appropriately cleared policymakers to perform their
9 duties;

10 (4) review and provide recommendations to the
11 Director on National Intelligence Program budget
12 requests for information technology and national se-
13 curity systems;

14 (5) assist the Director in promulgating and en-
15 forcing standards on information technology and na-
16 tional security systems that apply throughout the in-
17 telligence community;

18 (6) provide for the elimination of duplicate in-
19 formation technology and national security systems
20 within and between the elements of the intelligence
21 community; and

22 (7) perform such other duties with respect to
23 the information systems and information technology
24 of the National Intelligence Authority as may be
25 prescribed by the Director or specified by law.

1 **Subtitle B—Responsibilities and**
2 **Authorities of National Intel-**
3 **ligence Director**

4 **SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.**

5 (a) IN GENERAL.—Under the direction of the Na-
6 tional Security Council, the National Intelligence Director
7 shall be responsible for providing national intelligence—

8 (1) to the President;

9 (2) to the heads of other departments and
10 agencies of the executive branch;

11 (3) to the Chairman of the Joint Chiefs of Staff
12 and senior military commanders; and

13 (4) where appropriate, to the Senate and House
14 of Representatives and the committees thereof.

15 (b) NATIONAL INTELLIGENCE.—Such national intel-
16 ligence should be timely, objective, independent of political
17 considerations, and based upon all sources available to the
18 intelligence community.

19 **SEC. 132. RESPONSIBILITIES OF NATIONAL INTELLIGENCE**
20 **DIRECTOR.**

21 (a) IN GENERAL.—The National Intelligence Direc-
22 tor shall—

23 (1) develop and present to the President on an
24 annual basis a unified budget for the intelligence

1 and intelligence-related activities of the United
2 States Government;

3 (2) ensure a unified budget for the intelligence
4 and intelligence-related activities of the United
5 States Government that reflects an appropriate bal-
6 ance among the varieties of technical and human in-
7 telligence methods and analysis;

8 (3) direct and manage the tasking of collection,
9 analysis, and dissemination of national intelligence
10 by elements of the intelligence community, including
11 the establishment of requirements and priorities of
12 such tasking;

13 (4) approve collection and analysis require-
14 ments, determine collection and analysis priorities,
15 and resolve conflicts in collection and analysis prior-
16 ities levied on national intelligence collection and
17 analysis assets;

18 (5) establish and oversee the National
19 Counterterrorism Center under section 141 and the
20 national intelligence centers under section 142;

21 (6) establish requirements and priorities for for-
22 eign intelligence information to be collected under
23 the Foreign Intelligence Surveillance Act of 1978
24 (50 U.S.C. 1801 et seq.), and provide assistance to
25 the Attorney General to ensure that information de-

1 rived from electronic surveillance or physical
2 searches under that Act is disseminated so it may be
3 used efficiently and effectively for foreign intel-
4 ligence purposes, except that the Director shall have
5 no authority to direct, manage, or undertake elec-
6 tronic surveillance or physical search operations pur-
7 suant to that Act unless otherwise authorized by
8 statute or Executive order;

9 (7) develop and implement, in consultation with
10 the heads of the other elements of the intelligence
11 community, personnel policies and programs applica-
12 ble to the intelligence community that—

13 (A) facilitate assignments and details of
14 personnel to the National Counterterrorism
15 Center under section 141, to national intel-
16 ligence centers under section 142, and across
17 agency lines;

18 (B) set standards for education and train-
19 ing;

20 (C) ensure that the personnel of the intel-
21 ligence community is sufficiently diverse for
22 purposes of the collection and analysis of intel-
23 ligence by ensuring the recruitment and train-
24 ing of women, minorities, and individuals with

1 diverse ethnic, cultural, and linguistic back-
2 grounds;

3 (D) make service in more than one element
4 of the intelligence community a condition of
5 promotion to such positions within the intel-
6 ligence community as the Director shall specify;

7 (E) ensure the effective management and
8 authority of intelligence community personnel
9 who are responsible for intelligence community-
10 wide matters; and

11 (F) include the enhancements required
12 under section 134;

13 (8) promote and evaluate the utility of national
14 intelligence to consumers within the United States
15 Government;

16 (9) ensure that appropriate officials of the
17 United States Government and other appropriate in-
18 dividuals have access to a variety of intelligence as-
19 sessments and analytical views;

20 (10) protect intelligence sources and methods
21 from unauthorized disclosure;

22 (11) establish requirements and procedures for
23 the classification of information and for access to
24 classified information;

1 (12) establish requirements and procedures for
2 the dissemination of classified information by ele-
3 ments of the intelligence community;

4 (13) establish information sharing and intel-
5 ligence reporting guidelines that maximize the dis-
6 semination of information while protecting intel-
7 ligence sources and methods;

8 (14) develop, in consultation with the heads of
9 appropriate departments and agencies of the United
10 States Government, an integrated information tech-
11 nology network that provides for the efficient and
12 secure exchange of intelligence information among
13 all elements of the intelligence community and such
14 other entities and persons as the Director considers
15 appropriate;

16 (15) ensure compliance by the elements of the
17 intelligence community with the Constitution and all
18 laws, regulations, Executive orders, and imple-
19 menting guidelines of the United States, including
20 all laws, regulations, Executive orders, and imple-
21 menting guidelines relating to the protection of civil
22 liberties and privacy of United States persons;

23 (16) eliminate waste and unnecessary duplica-
24 tion within the intelligence community; and

1 (17) perform such other functions as the Presi-
2 dent may direct.

3 (b) UNIFORM PROCEDURES FOR SENSITIVE COM-
4 PARTMENTED INFORMATION.—The President, acting
5 through the National Intelligence Director, shall—

6 (1) establish uniform standards and procedures
7 for the grant of access to sensitive compartmented
8 information to any officer or employee of any de-
9 partment, agency, or element of the United States
10 Government, and to employees of contractors of such
11 departments, agencies, and elements;

12 (2) ensure the consistent implementation of
13 such standards and procedures throughout the de-
14 partments, agencies, and elements of the United
15 States Government; and

16 (3) ensure that security clearances granted by
17 individual elements of the intelligence community
18 are recognized by all elements of the intelligence
19 community, and under contracts entered into by
20 such elements.

21 **SEC. 133. AUTHORITIES OF NATIONAL INTELLIGENCE DI-**
22 **RECTOR.**

23 (a) ACCESS TO INTELLIGENCE.—To the extent ap-
24 proved by the President, the National Intelligence Director
25 shall have access to all intelligence related to the national

1 security which is collected by any department, agency, or
2 other element of the United States Government.

3 (b) DETERMINATION OF BUDGETS FOR NIP AND
4 OTHER INTELLIGENCE ACTIVITIES.—The National Intel-
5 ligence Director shall determine the annual budget for in-
6 telligence and intelligence-related activities of the United
7 States Government by—

8 (1) developing and presenting to the President
9 an annual budget for the National Intelligence Pro-
10 gram, including, in furtherance of such budget, the
11 review, modification, and approval of budgets of the
12 elements of the intelligence community within the
13 National Intelligence Program utilizing the budget
14 authorities in subsection (d)(1);

15 (2) providing guidance on the development of
16 annual budgets for such elements of the intelligence
17 community as are not within the National Intel-
18 ligence Program utilizing the budget authorities in
19 subsection (d)(2);

20 (3) participating in the development by the Sec-
21 retary of Defense of the annual budget for military
22 intelligence programs and activities outside the Na-
23 tional Intelligence Program;

24 (4) having direct jurisdiction of amounts appro-
25 priated or otherwise made available for the National

1 Intelligence Program as specified in subsection (e);
2 and

3 (5) managing and overseeing the execution,
4 and, if necessary, the modification of the annual
5 budget for the National Intelligence Program, in-
6 cluding directing the reprogramming and realloca-
7 tion of funds, and the transfer of personnel, among
8 and between elements of the intelligence community
9 within the National Intelligence Program utilizing
10 the authorities in subsections (f) and (g).

11 (c) SCOPE OF NIP AND JMIP.—The National Intel-
12 ligence Director and the Secretary of Defense shall jointly
13 review the programs, projects, and activities under the
14 Joint Military Intelligence Program in order to identify
15 the programs, projects, and activities within the Joint
16 Military Intelligence Program as of the date of the enact-
17 ment of this Act that pertain to national intelligence. Any
18 programs, projects, and activities so identified are to be
19 carried out instead within the National Intelligence Pro-
20 gram.

21 (d) BUDGET AUTHORITIES.—(1)(A) The National
22 Intelligence Director shall direct, coordinate, prepare,
23 modify, and present to the President the annual budgets
24 of the elements of the intelligence community within the

1 National Intelligence Program, in consultation with the
2 heads of those elements.

3 (B) The budget of an element of the intelligence com-
4 munity within the National Intelligence Program may not
5 be provided to the President for transmission to Congress
6 unless the Director has approved such budget.

7 (2)(A) The Director shall provide guidance for the
8 development of the annual budgets for such elements of
9 the intelligence community as are not within the National
10 Intelligence Program;

11 (B) The heads of the elements of the intelligence
12 community referred to in subparagraph (A) shall coordi-
13 nate closely with the Director in the development of the
14 budgets of such elements, before the submission of their
15 recommendations on such budgets to the President.

16 (e) JURISDICTION OF FUNDS UNDER NIP.—Not-
17 withstanding any other provision of law and consistent
18 with section 504 of the National Security Act of 1947 (50
19 U.S.C. 414), any amounts appropriated or otherwise made
20 available for the National Intelligence Program shall be
21 appropriated to, and under the direct jurisdiction of, the
22 National Intelligence Director.

23 (f) ROLE IN REPROGRAMMING.—(1) No funds made
24 available under the National Intelligence Program may be
25 reprogrammed by any element of the intelligence commu-

1 nity within the National Intelligence Program without the
2 prior approval of the National Intelligence Director except
3 in accordance with procedures issued by the Director.

4 (2) The Director shall consult with the appropriate
5 committees of Congress regarding modifications of exist-
6 ing procedures to expedite the reprogramming of funds
7 within the National Intelligence Program.

8 (g) TRANSFER OF FUNDS OR PERSONNEL WITHIN
9 NATIONAL INTELLIGENCE PROGRAM.—(1)(A) In addition
10 to any other authorities available under law for such pur-
11 poses, the National Intelligence Director, with the ap-
12 proval of the Director of the Office of Management and
13 Budget, may transfer funds appropriated for a program
14 within the National Intelligence Program to another such
15 program and, in accordance with procedures to be devel-
16 oped by the National Intelligence Director and the heads
17 of the departments and agencies concerned, may transfer
18 personnel authorized for an element of the intelligence
19 community to another such element.

20 (B) The National Intelligence Director may delegate
21 a duty of the Director under this subsection only to the
22 Deputy National Intelligence Director.

23 (2) A transfer of funds or personnel may be made
24 under this subsection only if—

1 (A) the funds or personnel are being trans-
2 ferred to an activity that is a higher priority intel-
3 ligence activity;

4 (B) the need for funds or personnel for such ac-
5 tivity is based on unforeseen requirements; and

6 (C) the transfer does not involve a transfer of
7 funds to the Reserve for Contingencies of the Cen-
8 tral Intelligence Agency.

9 (3) Funds transferred under this subsection shall re-
10 main available for the same period as the appropriations
11 account to which transferred.

12 (4) Any transfer of funds under this subsection shall
13 be carried out in accordance with existing procedures ap-
14 plicable to reprogramming notifications for the appro-
15 priate congressional committees. Any proposed transfer
16 for which notice is given to the appropriate congressional
17 committees shall be accompanied by a report explaining
18 the nature of the proposed transfer and how it satisfies
19 the requirements of this subsection. In addition, the con-
20 gressional intelligence committees shall be promptly noti-
21 fied of any transfer of funds made pursuant to this sub-
22 section in any case in which the transfer would not have
23 otherwise required reprogramming notification under pro-
24 cedures in effect as of October 24, 1992.

1 (5) The National Intelligence Director shall promptly
2 submit to the congressional intelligence committees and,
3 in the case of the transfer of personnel to or from the
4 Department of Defense, the Committee on Armed Services
5 of the Senate and the Committee on Armed Services of
6 the House of Representatives, a report on any transfer
7 of personnel made pursuant to this subsection. The Direc-
8 tor shall include in any such report an explanation of the
9 nature of the transfer and how it satisfies the require-
10 ments of this subsection.

11 **SEC. 134. ENHANCED PERSONNEL MANAGEMENT.**

12 (a) REWARDS FOR SERVICE IN CERTAIN POSI-
13 TIONS.—(1) The National Intelligence Director shall,
14 under regulations prescribed by the Director, provide in-
15 centives for service on the staff of the national intelligence
16 centers, on the staff of the National Counterterrorism
17 Center, and in other positions in support of the intel-
18 ligence community management functions of the Director.

19 (2) Incentives under paragraph (1) may include fi-
20 nancial incentives, bonuses, and such other awards and
21 incentives as the Director considers appropriate.

22 (b) ENHANCED PROMOTION FOR SERVICE UNDER
23 NID.—(1) Notwithstanding any other provision of law,
24 the personnel of an element of the intelligence community
25 who are assigned or detailed to service under the National

1 Intelligence Director shall be promoted at rates equivalent
2 to or better than personnel of such element who are not
3 so assigned or detailed.

4 (2) The Director may prescribe regulations to carry
5 out this section.

6 (c) JOINT CAREER MATTERS.—(1) In carrying out
7 section 132(a)(7), the National Intelligence Director shall
8 prescribe mechanisms to facilitate the rotation of per-
9 sonnel of the intelligence community through various ele-
10 ments of the intelligence community in the course of their
11 careers in order to facilitate the widest possible under-
12 standing by such personnel of the variety of intelligence
13 requirements, methods, and disciplines.

14 (2) The mechanisms prescribed under paragraph (1)
15 may include the following:

16 (A) The establishment of special occupational
17 categories involving service, over the course of a ca-
18 reer, in more than one element of the intelligence
19 community.

20 (B) The provision of rewards for service in posi-
21 tions undertaking analysis and planning of oper-
22 ations involving two or more elements of the intel-
23 ligence community.

24 (C) The establishment of requirements for edu-
25 cation, training, service, and evaluation that involve

1 service in more than one element of the intelligence
2 community.

3 (3) It is the sense of Congress that the mechanisms
4 prescribed under this subsection should, to the extent
5 practical, seek to duplicate within the intelligence commu-
6 nity the joint officer management policies established by
7 the Goldwater–Nichols Department of Defense Reorga-
8 nization Act of 1986 (Public Law 99–433) and the amend-
9 ments on joint officer management made by that Act.

10 **SEC. 135. ROLE OF NATIONAL INTELLIGENCE DIRECTOR IN**
11 **APPOINTMENT AND TERMINATION OF CER-**
12 **TAIN OFFICIALS RESPONSIBLE FOR INTEL-**
13 **LIGENCE-RELATED ACTIVITIES.**

14 (a) **RECOMMENDATION OF NID IN CERTAIN AP-**
15 **POINTMENTS.**—(1) In the event of a vacancy in a position
16 referred to in paragraph (3), the National Intelligence Di-
17 rector shall recommend to the President an individual for
18 nomination to fill the vacancy.

19 (2) Paragraph (1) applies to the following positions:

20 (A) The Deputy National Intelligence Director.

21 (B) The Deputy National Intelligence Director
22 for Foreign Intelligence.

23 (b) **CONCURRENCE OF SECRETARY OF DEFENSE IN**
24 **CERTAIN APPOINTMENTS RECOMMENDED BY NID.**—(1)

25 In the event of a vacancy in a position referred to in para-

1 graph (2), the National Intelligence Director shall obtain
2 the concurrence of the Secretary of Defense before recom-
3 mending to the President an individual for nomination to
4 fill such vacancy. If the Secretary does not concur in the
5 recommendation, the Director may make the recommenda-
6 tion to the President without the concurrence of the Sec-
7 retary, but shall include in the recommendation a state-
8 ment that the Secretary does not concur in the rec-
9 ommendation.

10 (2) Paragraph (1) applies to the following positions:

11 (A) The Director of the National Security
12 Agency.

13 (B) The Director of the National Reconnaissance
14 Office.

15 (C) The Director of the National Geospatial-Intelligence
16 Agency.

17 (c) CONCURRENCE OF NID IN CERTAIN APPOINT-
18 MENTS.—(1) In the event of a vacancy in a position re-
19 ferred to in paragraph (2), the head of the department
20 or agency having jurisdiction over the position shall obtain
21 the concurrence of the National Intelligence Director be-
22 fore appointing an individual to fill the vacancy or recom-
23 mending to the President an individual to be nominated
24 to fill the vacancy. If the Director does not concur in the
25 recommendation, the head of the department or agency

1 concerned may fill the vacancy or make the recommenda-
2 tion to the President (as the case may be) without the
3 concurrence of the Director, but shall notify the President
4 that the Director does not concur in appointment or rec-
5 ommendation (as the case may be).

6 (2) Paragraph (1) applies to the following positions:

7 (A) The Under Secretary of Defense for Intel-
8 ligence.

9 (B) The Under Secretary of Homeland Security
10 for Information Analysis and Infrastructure Protec-
11 tion.

12 (C) The Director of the Defense Intelligence
13 Agency.

14 (D) The Executive Assistant Director for Intel-
15 ligence of the Federal Bureau of Investigation.

16 (d) RECOMMENDATION OF NID IN TERMINATION OF
17 SERVICE.—The National Intelligence Director may rec-
18 ommend to the President or the head of the department
19 or agency concerned the termination of service of any indi-
20 vidual serving in any position covered by this section.

1 **Subtitle C—Elements of National**
2 **Intelligence Authority**

3 **SEC. 141. NATIONAL COUNTERTERRORISM CENTER.**

4 (a) NATIONAL COUNTERTERRORISM CENTER.—

5 There is within the National Intelligence Authority a Na-
6 tional Counterterrorism Center.

7 (b) DIRECTOR OF NATIONAL COUNTERTERRORISM

8 CENTER.—(1) There is a Director of the National
9 Counterterrorism Center, who shall be the head of the Na-
10 tional Counterterrorism Center, who shall be appointed
11 from civilian life by the President, by and with the advice
12 and consent of the Senate.

13 (2) Any individual nominated for appointment as the
14 Director of the National Counterterrorism Center shall
15 have significant expertise in matters relating to the na-
16 tional security of the United States and matters relating
17 to terrorism that threatens the national security of the
18 United States.

19 (c) SUPERVISION.—(1) The Director of the National
20 Counterterrorism Center shall report to the National In-
21 telligence Director on—

22 (A) the budget and programs of the National
23 Counterterrorism Center;

1 (B) the activities of the Directorate of Intel-
2 ligence of the National Counterterrorism Center
3 under subsection (f); and

4 (C) the conduct of intelligence operations imple-
5 mented by other elements of the intelligence commu-
6 nity.

7 (2) The Director of the National Counterterrorism
8 Center shall report directly to the President and the Na-
9 tional Security Council on the planning and progress of
10 joint counterterrorism operations (other than intelligence
11 operations).

12 (d) PRIMARY MISSIONS.—The primary missions of
13 the National Counterterrorism Center shall be as follows:

14 (1) To unify strategy for the civilian and mili-
15 tary counterterrorism efforts of the United States
16 Government.

17 (2) To effectively integrate counterterrorism in-
18 telligence and operations across agency boundaries,
19 both inside and outside the United States.

20 (e) DUTIES AND RESPONSIBILITIES OF DIRECTOR.—
21 Notwithstanding any other provision of law, at the direc-
22 tion of the President and the National Security Council,
23 the Director of the National Counterterrorism Center
24 shall—

1 (1) serve, through the National Intelligence Di-
2 rector, as the principal adviser to the President on
3 intelligence operations relating to counterterrorism;

4 (2) provide unified strategic direction for the ci-
5 vilian and military counterterrorism efforts of the
6 United States Government and for the effective inte-
7 gration of counterterrorism intelligence and oper-
8 ations across agency boundaries, both inside and
9 outside the United States;

10 (3) advise the President and the National Intel-
11 ligence Director on the extent to which the
12 counterterrorism program recommendations and
13 budget proposals of the departments, agencies, and
14 elements of the United States Government conform
15 to the priorities established by the President and the
16 National Security Council;

17 (4) concur in, or advise the President on, the
18 selections of personnel to head the operating entities
19 of the United States Government with principal mis-
20 sions relating to counterterrorism, including the
21 head of the Central Intelligence Agency's
22 Counterterrorist Center, the head of the
23 Counterterrorism Division of the Federal Bureau of
24 Investigation, the coordinator for counterterrorism
25 of the Department of State, and the commanders of

1 the Special Operations Command and the Northern
2 Command within the Department of Defense; and

3 (5) perform such other duties as the National
4 Intelligence Director may prescribe or are prescribed
5 by law.

6 (f) DIRECTORATE OF INTELLIGENCE.—(1) The Di-
7 rector of the National Counterterrorism Center shall es-
8 tablish and maintain within the National
9 Counterterrorism Center a Directorate of Intelligence.

10 (2) The Directorate shall utilize the capabilities of the
11 Terrorist Threat Integration Center (TTIC) transferred
12 to the Directorate by section 182 and such other capabili-
13 ties as the Director of the National Counterterrorism Cen-
14 ter considers appropriate.

15 (3) The Directorate shall have primary responsibility
16 within the United States Government for analysis of ter-
17 rorism and terrorist organizations from all sources of in-
18 telligence, whether collected inside or outside the United
19 States.

20 (4) The Directorate shall—

21 (A) be the principal repository within the
22 United States Government for all-source information
23 on suspected terrorists, their organizations, and
24 their capabilities;

1 (B) propose intelligence collection requirements
2 for action by elements of the intelligence community
3 inside and outside the United States;

4 (C) have primary responsibility within the
5 United States Government for net assessments and
6 warnings about terrorist threats, which assessments
7 and warnings shall be based on a comparison of ter-
8 rorist capabilities with assessed national
9 vulnerabilities; and

10 (D) perform such other duties and functions as
11 the Director of the National Counterterrorism Cen-
12 ter may prescribe.

13 (g) DIRECTORATE OF OPERATIONS.—(1) The Direc-
14 tor of the National Counterterrorism Center shall estab-
15 lish and maintain within the National Counterterrorism
16 Center a Directorate of Operations.

17 (2)(A) The Directorate shall have primary responsi-
18 bility within the United States Government for providing
19 guidance and plans, including strategic plans, for joint
20 counterterrorism operations conducted by the United
21 States Government.

22 (B) For purposes of subparagraph (A), joint
23 counterterrorism operations are counterterrorism oper-
24 ations that—

1 (i) involve, or are likely to involve, more than
2 one executive agency of the United States Govern-
3 ment (including the Armed Forces of the United
4 States); or

5 (ii) are designated as joint operations by the
6 Director of the National Counterterrorism Center.

7 (3) The Directorate shall—

8 (A) provide guidance, and develop strategy and
9 plans for operations, to counter terrorist activities
10 based on policy objectives and priorities established
11 by the National Security Council;

12 (B) develop plans under subparagraph (A) uti-
13 lizing input from personnel in other departments,
14 agencies, and elements of the United States Govern-
15 ment who have expertise in the priorities, functions,
16 assets, programs, capabilities, and operations of
17 such departments, agencies, and elements with re-
18 spect to counterterrorism;

19 (C) assign responsibilities for counterterrorism
20 operations to the departments, agencies, and ele-
21 ments of the United States Government (including
22 the Department of Defense and the Armed Forces,
23 the Central Intelligence Agency, the Federal Bureau
24 of Investigation, the Department of Homeland Secu-
25 rity, and other departments, agencies, and elements

1 of the United States Government), consistent with
2 the authorities of such departments, agencies, and
3 elements, which operations shall be conducted by the
4 department, agency, or element to which assigned
5 and, in the case of operations assigned to units of
6 the Armed Forces, shall require the concurrence of
7 the Secretary of Defense;

8 (D) monitor the implementation of operations
9 assigned under subparagraph (C) and update plans
10 for such operations as necessary;

11 (E) report to the President and the National
12 Intelligence Director on the compliance of the de-
13 partments, agencies, and elements of the United
14 States with the plans developed under subparagraph
15 (A); and

16 (F) perform such other duties and functions as
17 the Director of the National Counterterrorism Cen-
18 ter may prescribe.

19 (4) The Directorate may not direct the execution of
20 operations assigned under paragraph (3).

21 (h) STAFF.—(1) The Director of the National
22 Counterterrorism Center may, in the discretion of the Di-
23 rector, appoint deputy directors of the National
24 Counterterrorism Center to oversee such portions of the

1 operations of the National Counterterrorism Center as the
2 Director considers appropriate.

3 (2) To assist the Director of the National
4 Counterterrorism Center in fulfilling the duties and re-
5 sponsibilities of the Director under this section, the Direc-
6 tor shall employ and utilize in the National
7 Counterterrorism Center a professional staff having an ex-
8 pertise in matters relating to such duties and responsibil-
9 ities.

10 (3) In providing for a professional staff for the Na-
11 tional Counterterrorism Center under paragraph (2), the
12 Director of the National Counterterrorism Center may es-
13 tablish as positions in the excepted service such positions
14 in the Center as the Director considers appropriate.

15 (4) The Director of the National Counterterrorism
16 Center shall ensure, with the approval of the National In-
17 telligence Director, that the analytical staff of the Na-
18 tional Counterterrorism Center is comprised primarily of
19 experts from elements in the intelligence community and
20 from such other personnel in the United States Govern-
21 ment as the Director of the National Counterterrorism
22 Center considers appropriate.

23 (5)(A) In order to meet the requirement in paragraph
24 (4), the National Intelligence Director shall—

1 (i) transfer to the staff of the National
2 Counterterrorism Center any personnel of another
3 element of the intelligence community that the Na-
4 tional Intelligence Director considers appropriate;
5 and

6 (ii) in the case of personnel from a department,
7 agency, or element of the United States Government
8 outside the intelligence community, request the
9 transfer of such personnel from the department,
10 agency, or element concerned.

11 (B) The head of a department, agency, or element
12 of the United States Government receiving a request for
13 the transfer of personnel under subparagraph (A)(ii) shall,
14 to the extent practicable, approve the request.

15 (6) The National Intelligence Director shall ensure
16 that the staff of the National Counterterrorism Center has
17 access to all databases maintained by the elements of the
18 intelligence community that are relevant to the duties of
19 the Center.

20 (7) The Director of the National Counterterrorism
21 Center shall evaluate the staff of the National
22 Counterterrorism Center in the performance of their du-
23 ties.

24 (i) SUPPORT AND COOPERATION OF OTHER AGEN-
25 CIES.—(1) The elements of the intelligence community

1 and the other departments, agencies, and elements of the
2 United States Government shall support, assist, and co-
3 operate with the National Counterterrorism Center in car-
4 rying out its missions under this section.

5 (2) The support, assistance, and cooperation of a de-
6 partment, agency, or element of the United States Govern-
7 ment under this subsection shall include, but not be lim-
8 ited to—

9 (A) the implementation of plans for operations,
10 whether foreign or domestic, that are developed by
11 the National Counterterrorism Center in a manner
12 consistent with the laws and regulations of the
13 United States;

14 (B) cooperative work with the Director of the
15 National Counterterrorism Center to ensure that on-
16 going operations of such department, agency, or ele-
17 ment do not conflict with joint operations planned
18 by the Center;

19 (C) reports, upon request, to the Director of the
20 National Counterterrorism Center on the progress of
21 such department, agency, or element in imple-
22 menting responsibilities assigned to such depart-
23 ment, agency, or element through joint operations
24 plans; and

1 (D) the provision to the analysts of the Na-
2 tional Counterterrorism Center electronic access in
3 real time to information and intelligence collected by
4 such department, agency, or element that is relevant
5 to the mission of the Center.

6 (3)(A) In the event of a disagreement between the
7 National Counterterrorism Center and the head of a de-
8 partment, agency, or element of the United States Govern-
9 ment on a plan developed or responsibility assigned by the
10 Center under this section, the Director of the National
11 Counterterrorism Center shall notify the National Secu-
12 rity Council of the disagreement.

13 (B) The National Security Council shall resolve each
14 disagreement of which the Council is notified under sub-
15 paragraph (A).

16 **SEC. 142. NATIONAL INTELLIGENCE CENTERS.**

17 (a) NATIONAL INTELLIGENCE CENTERS.—(1) The
18 National Intelligence Director shall establish within the
19 National Intelligence Authority centers (to be known as
20 “national intelligence centers”) to address intelligence pri-
21 orities established by the National Security Council.

22 (2) Each national intelligence center shall be assigned
23 an area of intelligence responsibility, whether expressed in
24 terms of a geographic region, in terms of function, or in
25 other terms.

1 (3) National intelligence centers shall be established
2 at the direction of the President, as prescribed by law,
3 or upon the initiative of the National Intelligence Director.

4 (b) ESTABLISHMENT OF CENTERS.—(1) In estab-
5 lishing a national intelligence center, the National Intel-
6 ligence Director shall assign lead responsibility for such
7 center to an element of the intelligence community se-
8 lected by the Director for that purpose.

9 (2) The Director shall determine the structure and
10 size of each national intelligence center.

11 (3) The Director shall notify Congress of the estab-
12 lishment of a national intelligence center at least 30 days
13 before the date of the establishment of the center.

14 (c) DIRECTORS OF CENTERS.—(1) Each national in-
15 telligence center shall have as its head a Director who
16 shall be appointed by the National Intelligence Director
17 for that purpose.

18 (2) The Director of a national intelligence center
19 shall serve as the principal adviser to the National Intel-
20 ligence Director on intelligence matters with respect to the
21 area of intelligence responsibility assigned to the center.

22 (3) In carrying out duties under paragraph (3), the
23 Director of a national intelligence center shall—

24 (A) manage the operations of the center;

1 (B) coordinate the provision of administration
2 and support by the element of the intelligence com-
3 munity with lead responsibility for the center under
4 subsection (b)(1);

5 (C) submit budget and personnel requests for
6 the center to the National Intelligence Director;

7 (D) seek such assistance from other depart-
8 ments, agencies, and elements of the United States
9 Government as are needed to fulfill the mission of
10 the center; and

11 (E) advise the National Intelligence Director of
12 the information technology, personnel, and other re-
13 quirements of the center for the performance of its
14 mission.

15 (4) The National Intelligence Director shall ensure
16 that the Director of a national intelligence center has suf-
17 ficient authority, direction, and control over the center to
18 effectively accomplish the mission of the center.

19 (d) MISSION OF CENTERS.—(1) Each national intel-
20 ligence center shall provide all-source analysis of intel-
21 ligence and propose intelligence collection requirements in
22 the area of intelligence responsibility assigned to the cen-
23 ter by the National Intelligence Director pursuant to intel-
24 ligence priorities established by the National Security
25 Council.

1 (2) Within its area of intelligence responsibility, a na-
2 tional intelligence center shall—

3 (A) have primary responsibility for strategic
4 analysis of intelligence, fusing all-source intelligence
5 from foreign and domestic sources;

6 (B) be the principal repository within the
7 United States Government for all-source informa-
8 tion;

9 (C) identify and propose requirements and pri-
10 orities for intelligence collection;

11 (D) have primary responsibility within the
12 United States Government for net assessments,
13 where applicable, and warnings;

14 (E) ensure that appropriate officials of the
15 United States Government and other appropriate in-
16 dividuals have access to a variety of intelligence as-
17 sessments and analytical views;

18 (F) provide advice and guidance to the Presi-
19 dent, the National Security Council, the National In-
20 telligence Director, and the heads of other appro-
21 priate departments, agencies, and elements of the
22 United States Government; and

23 (G) perform such other duties and responsibil-
24 ities as the National Intelligence Director may pre-
25 scribe.

1 (e) INFORMATION SHARING.—(1) The National Intel-
2 ligence Director shall ensure that the Directors of the na-
3 tional intelligence centers and the other elements of the
4 intelligence community undertake appropriate sharing of
5 intelligence analysis and plans for operations in order to
6 facilitate the activities of the centers.

7 (2) In order to facilitate information sharing under
8 paragraph (1), the Directors of the national intelligence
9 centers shall—

10 (A) report directly to the National Intelligence
11 Director regarding their activities under this section;
12 and

13 (B) coordinate with the Deputy National Intel-
14 ligence Director regarding such activities.

15 (f) TERMINATION OF CENTERS.—(1) The National
16 Intelligence Director may terminate a national intelligence
17 center if the National Intelligence Director determines
18 that the center is no longer required to meet an intel-
19 ligence priority established by the National Security Coun-
20 cil.

21 (2) The National Intelligence Director shall notify
22 Congress of the termination of a national intelligence cen-
23 ter at least 30 days before the date of the termination
24 of the center.

1 (g) STAFF OF CENTERS.—(1) The head of an ele-
2 ment of the intelligence community shall assign or detail
3 to a national intelligence center such personnel as the Na-
4 tional Intelligence Director considers appropriate to carry
5 out the mission of the center.

6 (2) Personnel assigned or detailed to a national intel-
7 ligence center under paragraph (1) shall be under the au-
8 thority, direction, and control of the Director of the center
9 on all matters for which the center has been assigned re-
10 sponsibility and for all matters related to the accomplish-
11 ment of the mission of the center.

12 (3) Performance evaluations of personnel assigned or
13 detailed to a national intelligence center under this sub-
14 section shall be undertaken by the supervisors of such per-
15 sonnel at the center.

16 (4) The supervisors of the staff of a national center
17 may, with the approval of the National Intelligence Direc-
18 tor, reward the staff of the center for meritorious perform-
19 ance by the provision of such performance awards as the
20 National Intelligence Director shall prescribe.

21 (5) The Director of a national intelligence center may
22 recommend to the National Intelligence Director the reas-
23 signment to the home element concerned of any personnel
24 previously assigned or detailed to the center from another
25 element of the intelligence community.

1 (h) SUPPORT.—The element of the intelligence com-
2 munity assigned lead responsibility for a national intel-
3 ligence center under subsection (b)(1) shall be responsible
4 for the provision of administrative support for the center,
5 including the provision of funds to the center necessary
6 for the administration of the center.

7 **Subtitle D—Additional Authorities**
8 **of National Intelligence Authority**

9 **SEC. 151. USE OF APPROPRIATED FUNDS.**

10 (a) DISPOSAL OF PROPERTY.—(1) If specifically au-
11 thorized to dispose of real property of the National Intel-
12 ligence Authority under any law enacted after the date of
13 the enactment of this Act, the National Intelligence Direc-
14 tor shall, subject to paragraph (2), exercise such authority
15 in strict compliance with subchapter IV of chapter 5 of
16 title 40, United States Code.

17 (2) The Director shall deposit the proceeds of any
18 disposal of property of the National Intelligence Authority
19 into the miscellaneous receipts of the Treasury in accord-
20 ance with section 3302(b) of title 31, United States Code.

21 (b) GIFTS.—Gifts or donations of services or property
22 of or for the National Intelligence Authority may not be
23 accepted, used, or disposed of unless specifically permitted
24 in advance in an appropriations Act and only under the

1 conditions and for the purposes specified in such appro-
2 priations Act.

3 **SEC. 152. PROCUREMENT AUTHORITIES.**

4 (a) IN GENERAL.—In the performance of its func-
5 tions, the National Intelligence Authority may exercise the
6 authorities referred to in section 3(a) of the Central Intel-
7 ligence Agency Act of 1949 (50 U.S.C. 403c(a)).

8 (b) TREATMENT AS HEAD OF AGENCY.—For the
9 purpose of the exercise of any authority referred to in sub-
10 section (a) with respect to the National Intelligence Au-
11 thority, a reference to the head of an agency shall be
12 deemed to be a reference to the National Intelligence Di-
13 rector or the Deputy National Intelligence Director.

14 (c) DETERMINATION AND DECISIONS.—(1) Any de-
15 termination or decision to be made under an authority re-
16 ferred to in subsection (a) by the head of an agency may
17 be made with respect to individual purchases and con-
18 tracts or with respect to classes of purchases or contracts,
19 and shall be final.

20 (2) Except as provided in paragraph (3), the National
21 Intelligence Director or the Deputy National Intelligence
22 Director may, in such official's discretion, delegate to any
23 officer or other official of the National Intelligence Au-
24 thority any authority to make a determination or decision

1 as the head of the agency under an authority referred to
2 in subsection (a).

3 (3) The limitations and conditions set forth in section
4 3(d) of the Central Intelligence Agency Act of 1949 (50
5 U.S.C. 403c(d)) shall apply to the exercise by the National
6 Intelligence Agency of an authority referred to in sub-
7 section (a).

8 (4) Each determination or decision required by an au-
9 thority referred to in the second sentence of section 3(d)
10 of the Central Intelligence Agency Act of 1949 shall be
11 based upon written findings made by the official making
12 such determination or decision, which findings shall be
13 final and shall be available within the National Intelligence
14 Authority for a period of at least six years following the
15 date of such determination or decision.

16 **SEC. 153. PERSONNEL MATTERS.**

17 (a) IN GENERAL.—In addition to the authorities pro-
18 vided in section 134, the National Intelligence Director
19 may exercise with respect to the personnel of the National
20 Intelligence Authority any authority of the Director of the
21 Central Intelligence Agency with respect to the personnel
22 of the Central Intelligence Agency under the Central Intel-
23 ligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and
24 other applicable provisions of law, as of the date of the
25 enactment of this Act to the same extent, and subject to

1 the same conditions and limitations, that the Director of
2 the Central Intelligence Agency may exercise such author-
3 ity with respect to personnel of the Central Intelligence
4 Agency.

5 (b) RIGHTS AND PROTECTIONS OF EMPLOYEES AND
6 APPLICANTS.—Employees and applicants for employment
7 of the National Intelligence Authority shall have the same
8 rights and protections under the Authority as employees
9 of the Central Intelligence Agency have under the Central
10 Intelligence Agency Act of 1949, and other applicable pro-
11 visions of law, as of the date of the enactment of this Act.

12 **SEC. 154. ETHICS MATTERS.**

13 (a) POLITICAL SERVICE OF PERSONNEL.—Section
14 7323(b)(2)(B)(i) of title 5, United States Code, is amend-
15 ed—

16 (1) in subclause (XII), by striking “or” at the
17 end; and

18 (2) by inserting after subclause (XIII) the fol-
19 lowing new subclause:

20 “(XIV) the National Intelligence Author-
21 ity; or”.

22 (b) DELETION OF INFORMATION ABOUT FOREIGN
23 GIFTS.—Section 7342(f)(4) of title 5, United States Code,
24 is amended—

25 (1) by inserting “(A)” after “(4)”;

1 (2) in subparagraph (A), as so designated, by
2 striking “the Director of Central Intelligence” and
3 inserting “the Director of the Central Intelligence
4 Agency”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(B) In transmitting such listings for the National
8 Intelligence Authority, the National Intelligence Director
9 may delete the information described in subparagraphs
10 (A) and (C) of paragraphs (2) and (3) if the Director cer-
11 tifies in writing to the Secretary of State that the publica-
12 tion of such information could adversely affect United
13 States intelligence sources.”.

14 (c) EXEMPTION FROM FINANCIAL DISCLOSURES.—
15 Section 105(a)(1) of the Ethics in Government Act (5
16 U.S.C. App.) is amended by inserting “the National Intel-
17 ligence Authority,” before “the Central Intelligence Agen-
18 cy”.

19 **Subtitle E—Additional Improve-**
20 **ments of Intelligence Activities**

21 **SEC. 161. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**
22 **LIGENCE FUNDING INFORMATION.**

23 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—
24 The President shall disclose to the public for each fiscal
25 year after fiscal year 2005—

1 (1) the aggregate amount of appropriations re-
2 requested in the budget of the President for the fiscal
3 year concerned for the intelligence and intelligence-
4 related activities of the United States Government;
5 and

6 (2) the aggregate amount of appropriations re-
7 requested in the budget of the President for the fiscal
8 year concerned for each element or component of the
9 intelligence community.

10 (b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—
11 Congress shall disclose to the public for each fiscal year
12 after fiscal year 2005—

13 (1) the aggregate amount of funds appropriated
14 by Congress for the fiscal year concerned for the in-
15 telligence and intelligence-related activities of the
16 United States Government; and

17 (2) the aggregate amount of funds appropriated
18 by Congress for the fiscal year concerned for each
19 element or component of the intelligence community.

20 **SEC. 162. MERGER OF HOMELAND SECURITY COUNCIL**
21 **INTO NATIONAL SECURITY COUNCIL.**

22 (a) MERGER OF HOMELAND SECURITY COUNCIL
23 INTO NATIONAL SECURITY COUNCIL.—Section 101 of the
24 National Security Act of 1947 (50 U.S.C. 402) is amend-
25 ed—

1 (1) in the fourth undesignated paragraph of
2 subsection (a), by striking clauses (5) and (6) and
3 inserting the following new clauses:

4 “(5) the Attorney General;

5 “(6) the Secretary of Homeland Security;”;

6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “and” at
8 the end;

9 (B) in paragraph (2), by striking the pe-
10 riod at the end and inserting a semicolon; and

11 (C) by adding at the end the following new
12 paragraphs:

13 “(3) assess the objectives, commitments, and
14 risks of the United States in the interests of home-
15 land security and make recommendations to the
16 President based on such assessments;

17 “(4) oversee and review the homeland security
18 policies of the Federal Government and make rec-
19 ommendations to the President based on such over-
20 sight and review; and

21 “(5) perform such other functions as the Presi-
22 dent may direct.”.

23 (c) REPEAL OF SUPERSEDED AUTHORITY.—(1) Title
24 IX of the Homeland Security Act of 2002 (6 U.S.C. 491
25 et seq.) is repealed.

1 (2) The table of contents for that Act is amended
2 by striking the items relating to title IX.

3 **SEC. 163. REFORM OF CENTRAL INTELLIGENCE AGENCY.**

4 (a) FINDINGS.—Consistent with the report of the Na-
5 tional Commission on Terrorist Attacks Upon the United
6 States, Congress makes the following findings:

7 (1) Covert operations tend to be highly tactical
8 and require close attention. The Central Intelligence
9 Agency should retain responsibility for the direction
10 and execution of clandestine and covert operations.
11 The Central Intelligence Agency should also con-
12 centrate on building capabilities to carry out such
13 operations and on providing personnel who will be
14 directing and executing such operations in the field.

15 (2) The reconstitution of the analytic and
16 human intelligence collection capabilities of the Cen-
17 tral Intelligence Agency requires the undiverted at-
18 tention of the head of the Central Intelligence Agen-
19 cy.

20 (b) TRANSFORMATION OF CENTRAL INTELLIGENCE
21 AGENCY.—The Director of the Central Intelligence Agen-
22 cy shall transform the intelligence and intelligence-related
23 capabilities of the Central Intelligence Agency by—

24 (1) building the human intelligence capabilities
25 of the clandestine service;

1 (2) building the analytic capabilities of the
2 Agency;

3 (3) developing a stronger language program;

4 (4) renewing emphasis on the recruitment of
5 operations officers of diverse background who can
6 blend in more easily in foreign cities;

7 (5) ensuring a seamless relationship between
8 human source collection and signals collection at the
9 operational level; and

10 (6) providing for a better balance between uni-
11 lateral operations and liaison operations.

12 (c) **RETENTION OF RESPONSIBILITY FOR CLANDES-**
13 **TINE AND COVERT OPERATIONS.**—The Central Intel-
14 ligence Agency shall retain responsibility for the direction
15 and execution of clandestine and covert operations as au-
16 thorized by the President or the National Intelligence Di-
17 rector and assigned by a national intelligence center.

18 **SEC. 164. PARAMILITARY OPERATIONS.**

19 (a) **FINDINGS.**—Consistent with the report of the Na-
20 tional Commission on Terrorist Attacks Upon the United
21 States, Congress makes the following findings:

22 (1) Prior to September 11, 2001, the Central
23 Intelligence Agency relied on proxies to conduct
24 paramilitary operations, with unsatisfactory results.

1 (2) The United States cannot afford to build
2 two separate capabilities for carrying out para-
3 military operations, and therefore should concentrate
4 responsibility and necessary legal authority for such
5 operations in one entity.

6 (3) In conducting future paramilitary oper-
7 ations, Central Intelligence Agency experts should be
8 integrated into military training, exercises, and plan-
9 ning, and lead responsibility for directing and exe-
10 cuting paramilitary operations should rest with the
11 Department of Defense.

12 (b) SENSE OF CONGRESS ON LEAD RESPONSIBILITY
13 FOR PARAMILITARY OPERATIONS.—The Secretary of De-
14 fense should have lead responsibility for directing and exe-
15 cuting paramilitary operations, whether clandestine or
16 covert.

17 (c) SENSE OF CONGRESS ON DISCHARGE THROUGH
18 SPECIAL OPERATIONS COMMAND.—In carrying out the
19 responsibility under subsection (b) the Secretary of De-
20 fense should—

21 (1) assign the Special Operations Command
22 lead responsibility within the Department of Defense
23 for paramilitary operations; and

1 (2) consolidate responsibility for such oper-
2 ations with the capabilities for training, direction,
3 and execution of such operations.

4 (d) SENSE OF CONGRESS ON JOINT PLANNING.—
5 The Secretary of Defense and the Director of the Central
6 Intelligence Agency should work jointly to plan para-
7 military operations.

8 (e) PARAMILITARY OPERATIONS DEFINED.—In this
9 section, the term “paramilitary operations” means oper-
10 ations that, by their tactics and requirements in military-
11 type personnel, equipment, and training, approximate con-
12 ventional military operations, but that are distinguished
13 from conventional military operations through reliance on
14 light infantry, less capability to carry out sustained com-
15 bat operations involving heavy weapons and less capability
16 of sustaining long-term logistical support.

17 **SEC. 165. IMPROVEMENT OF INTELLIGENCE CAPABILITIES**
18 **OF THE FEDERAL BUREAU OF INVESTIGA-**
19 **TION.**

20 (a) FINDINGS.—Consistent with the report of the Na-
21 tional Commission on Terrorist Attacks Upon the United
22 States, Congress makes the following findings:

23 (1) The Federal Bureau of Investigation has
24 made significant progress in improving its intel-
25 ligence capabilities.

1 (2) The Federal Bureau of Investigation must
2 fully institutionalize the shift of the Bureau to a
3 preventive counterterrorism posture.

4 (b) IMPROVEMENT OF INTELLIGENCE CAPABILI-
5 TIES.—The Director of the Federal Bureau of Investiga-
6 tion shall continue efforts to improve the intelligence capa-
7 bilities of the Bureau and to develop and maintain within
8 the Bureau a national security workforce.

9 (c) NATIONAL SECURITY WORKFORCE.—(1) In de-
10 veloping and maintaining a national security workforce
11 under subsection (b), the Director of the Federal Bureau
12 of Investigation shall, subject to the direction and control
13 of the President, develop and maintain a specialized and
14 integrated national security workforce consisting of
15 agents, analysts, linguists, and surveillance specialists who
16 are recruited, trained, and rewarded in a manner which
17 ensures the existence within the Bureau of an institutional
18 culture with substantial expertise in, and commitment to,
19 the intelligence and national security missions of the Bu-
20 reau.

21 (2) Each agent employed by the Bureau after the
22 date of the enactment of this Act shall receive basic train-
23 ing in both criminal justice matters and national security
24 matters.

1 (3) Each agent employed by the Bureau after the
2 date of the enactment of this Act shall, to the maximum
3 extent practicable, be given the opportunity to undergo,
4 during such agent's early service with the Bureau, mean-
5 ingful assignments in criminal justice matters and in na-
6 tional security matters.

7 (4) The Director shall—

8 (A) require agents and analysts of the Bureau
9 to specialize in either criminal justice matters or na-
10 tional security matters; and

11 (B) in furtherance of the requirement under
12 subparagraph (A) and to the maximum extent prac-
13 ticable, afford agents and analysts of the Bureau the
14 opportunity to work in the specialty selected by such
15 agents and analysts over their entire career with the
16 Bureau.

17 (5) The Director shall carry out a program to en-
18 hance the capacity of the Bureau to recruit and retain
19 individuals with backgrounds in intelligence, international
20 relations, language, technology, and other skills relevant
21 to the intelligence and national security missions of the
22 Bureau.

23 (6) The Director shall, to the maximum extent prac-
24 ticable, afford the analysts of the Bureau training and ca-
25 reer opportunities commensurate with the training and ca-

1 reer opportunities afforded analysts in other elements of
2 the intelligence community.

3 (7) Commencing as soon as practicable after the date
4 of the enactment of this Act, each senior manager of the
5 Bureau shall be a certified intelligence officer.

6 (8) The Director shall, to the maximum extent prac-
7 ticable, ensure that the successful completion of advanced
8 training courses, and of one or more assignments to an-
9 other element of the intelligence community, is a pre-
10 condition to advancement to higher level national security
11 assignments within the Bureau.

12 (d) FIELD OFFICE MATTERS.—(1) In improving the
13 intelligence capabilities of the Federal Bureau of Inves-
14 tigation under subsection (b), the Director of the Federal
15 Bureau of Investigation shall ensure that each field office
16 of the Bureau has an official at the deputy level or higher
17 with responsibility for national security matters.

18 (2) The Director shall provide for such expansion of
19 the secure facilities in the field offices of the Bureau as
20 is necessary to ensure the discharge by the field offices
21 of the intelligence and national security missions of the
22 Bureau.

23 (3) The Director shall take appropriate actions to en-
24 sure the integration of analysts, agents, linguists, and sur-
25 veillance personnel in the field.

1 (e) BUDGET MATTERS.—The Director of the Federal
2 Bureau of Investigation shall, in consultation with the Di-
3 rector of the Office of Management and Budget, modify
4 the budget structure of the Federal Bureau of Investiga-
5 tion in order to organize the budget according to the four
6 principal missions of the Bureau as follows:

7 (1) Intelligence.

8 (2) Counterterrorism and counterintelligence.

9 (3) Crime.

10 (4) Criminal justice services.

11 (f) REPORTS.—(1)(A) Not later than 180 days after
12 the date of the enactment of this Act, the Director of the
13 Federal Bureau of Investigation shall submit to Congress
14 a report on the progress made as of the date of such report
15 in carrying out the requirements of this section.

16 (B) The report required by subparagraph (A) shall
17 include an estimate of the resources required to complete
18 the expansion of secure facilities to carry out the national
19 security mission of the field offices of the Federal Bureau
20 of Investigation.

21 (2) The Director shall include in each semiannual
22 program review of the Bureau that is submitted to Con-
23 gress a report on the progress made by each field office
24 of the Bureau during the period covered by such review
25 in addressing Bureau and national program priorities.

1 (3) Not later than 180 days after the date of the en-
2 actment of this Act, and every six months thereafter, the
3 Director shall submit to Congress a report assessing the
4 qualifications, status, and roles of analysts at Bureau
5 headquarters and in the field offices of the Bureau.

6 (4) Not later than 180 days after the date of the en-
7 actment of this Act, and every six months thereafter, the
8 Director shall submit to Congress a report on the progress
9 of the Bureau in implementing information-sharing prin-
10 ciples.

11 (5) A report required by this subsection shall be sub-
12 mitted—

13 (A) to each committee of Congress that has ju-
14 risdiction over the subject matter of such report; and

15 (B) in an unclassified form, but may include a
16 classified annex.

17 **SEC. 166. REPORT ON IMPLEMENTATION OF INTELLIGENCE**
18 **COMMUNITY REFORM.**

19 Not later than one year after the date of the enact-
20 ment of this Act, the National Intelligence Director shall
21 submit to Congress a report on the progress made in the
22 implementation of this title, including the amendments
23 made by this title. The report shall include a comprehen-
24 sive description of the progress made, and may include

1 such recommendations for additional legislative or admin-
 2 istrative action as the Director considers appropriate.

3 **Subtitle F—Conforming and Other**
 4 **Amendments**

5 **SEC. 171. RESTATEMENT AND MODIFICATION OF BASIC AU-**
 6 **THORITY OF THE CENTRAL INTELLIGENCE**
 7 **AGENCY.**

8 Title I of the National Security Act of 1947 (50
 9 U.S.C. 402 et seq.) is amended by striking sections 102
 10 through 104 and inserting the following new sections:

11 “CENTRAL INTELLIGENCE AGENCY

12 “SEC. 102. (a) CENTRAL INTELLIGENCE AGENCY.—
 13 There is a Central Intelligence Agency.

14 “(b) FUNCTION.—The function of the Central Intel-
 15 ligence Agency is to assist the Director of the Central In-
 16 telligence Agency in carrying out the responsibilities speci-
 17 fied in section 103(e).

18 “DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

19 “SEC. 103. (a) DIRECTOR OF CENTRAL INTEL-
 20 LIGENCE AGENCY.—(1) There is a Director of the Central
 21 Intelligence Agency who shall be appointed by the Presi-
 22 dent, by and with the advice and consent of the Senate.

23 “(2) The Director of the Central Intelligence Agency
 24 also serves as the Deputy National Intelligence Director
 25 for Foreign Intelligence under section 114(b) of the Na-
 26 tional Intelligence Authority Act of 2004 and, in that ca-

1 capacity, has the duties and responsibilities provided for in
2 paragraph (3) of that section.

3 “(b) DUTIES.—In the capacity as Director of the
4 Central Intelligence Agency, the Director of the Central
5 Intelligence Agency shall—

6 “(1) carry out the responsibilities specified in
7 subsection (c); and

8 “(2) serve as the head of the Central Intel-
9 ligence Agency.

10 “(c) RESPONSIBILITIES.—The Director of the Cen-
11 tral Intelligence Agency shall—

12 “(1) collect intelligence through human sources
13 and by other appropriate means, except that the Di-
14 rector of the Central Intelligence Agency shall have
15 no police, subpoena, or law enforcement powers or
16 internal security functions;

17 “(2) correlate and evaluate intelligence related
18 to the national security and provide appropriate dis-
19 semination of such intelligence;

20 “(3) perform such additional services as are of
21 common concern to the elements of the intelligence
22 community, which services the National Intelligence
23 Director determines can be more efficiently accom-
24 plished centrally; and

1 “(4) perform such other functions and duties
2 related to intelligence affecting the national security
3 as the President, the National Security Council, or
4 the National Intelligence Director may direct.

5 “(d) TERMINATION OF EMPLOYMENT OF CIA EM-
6 PLOYEES.—(1) Notwithstanding the provisions of any
7 other law, the Director of the Central Intelligence Agency
8 may, in the discretion of the Director, terminate the em-
9 ployment of any officer or employee of the Central Intel-
10 ligence Agency whenever the Director considers the termi-
11 nation of employment of such officer or employee nec-
12 essary or advisable in the interests of the United States.

13 “(2) Any termination of employment of an officer or
14 employee under paragraph (1) shall not affect the right
15 of the officer or employee to seek or accept employment
16 in any other department, agency, or element of the United
17 States Government if declared eligible for such employ-
18 ment by the Office of Personnel Management.”.

19 **SEC. 172. CONFORMING AMENDMENTS RELATING TO**
20 **ROLES OF NATIONAL INTELLIGENCE DIREC-**
21 **TOR AND DIRECTOR OF THE CENTRAL INTEL-**
22 **LIGENCE AGENCY.**

23 (a) NATIONAL SECURITY ACT OF 1947.—(1) The
24 National Security Act of 1947 (50 U.S.C. 401 et seq.)
25 is amended by striking “Director of Central Intelligence”

1 each place it appears in the following provisions and in-
2 serting “National Intelligence Director”:

3 (A) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

4 (B) Section 101(h)(2)(A) (50 U.S.C.
5 402(h)(2)(A)).

6 (C) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

7 (D) Section 101(i)(2)(A) (50 U.S.C.
8 402(i)(2)(A)).

9 (E) Section 101(j) (50 U.S.C. 402(j)).

10 (F) Section 105(a) (50 U.S.C. 403–5(a)).

11 (G) Section 105(b)(6)(A) (50 U.S.C. 403–
12 5(b)(6)(A)).

13 (H) Section 105B(a)(1) (50 U.S.C. 403–
14 5b(a)(1)).

15 (I) Section 105B(b) (50 U.S.C. 403–5b(b)), the
16 first place it appears.

17 (J) Section 110(b) (50 U.S.C. 404e(b)).

18 (K) Section 110(c) (50 U.S.C. 404e(c)).

19 (L) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

20 (M) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

21 (N) Section 113(b)(2)(A) (50 U.S.C.
22 404h(b)(2)(A)).

23 (O) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

24 (P) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

25 (R) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

1 (S) Section 115(b) (50 U.S.C. 404j(b)).

2 (T) Section 115(c)(1)(B) (50 U.S.C.
3 404j(c)(1)(B)).

4 (U) Section 116(a) (50 U.S.C. 404k(a)).

5 (V) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

6 (W) Section 303(a) (50 U.S.C. 405(a)), both
7 places it appears.

8 (X) Section 501(d) (50 U.S.C. 413(d)).

9 (Y) Section 502(a) (50 U.S.C. 413a(a)).

10 (Z) Section 502(c) (50 U.S.C. 413a(c)).

11 (AA) Section 503(b) (50 U.S.C. 413b(b)).

12 (BB) Section 504(a)(3)(C) (50 U.S.C.
13 414(a)(3)(C)).

14 (CC) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

15 (DD) Section 506A(a)(1) (50 U.S.C. 415a-
16 1(a)(1)).

17 (EE) Section 603(a) (50 U.S.C. 423(a)).

18 (FF) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

19 (GG) Section 702(a)(6)(B)(viii) (50 U.S.C.
20 432(a)(6)(B)(viii)).

21 (HH) Section 702(b)(1) (50 U.S.C. 432(b)(1)),
22 both places it appears.

23 (II) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

24 (JJ) Section 703(a)(6)(B)(viii) (50 U.S.C.
25 432a(a)(6)(B)(viii)).

1 (KK) Section 703(b)(1) (50 U.S.C.
2 432a(b)(1)), both places it appears.

3 (LL) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).

4 (MM) Section 704(f)(2)(H) (50 U.S.C.
5 432b(f)(2)(H)).

6 (NN) Section 704(g)(1) (50 U.S.C.
7 432b(g)(1)), both places it appears.

8 (OO) Section 1001(a) (50 U.S.C. 441g(a)).

9 (PP) Section 1102(a)(1) (50 U.S.C.
10 442a(a)(1)).

11 (QQ) Section 1102(b)(1) (50 U.S.C.
12 442a(b)(1)).

13 (RR) Section 1102(c)(1) (50 U.S.C.
14 442a(c)(1)).

15 (SS) Section 1102(d) (50 U.S.C. 442a(d)).

16 (2) That Act is further amended by striking “of Cen-
17 tral Intelligence” each place it appears in the following
18 provisions:

19 (A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

20 (B) Section 105B(a)(2) (50 U.S.C. 403–
21 5b(a)(2)).

22 (C) Section 105B(b) (50 U.S.C. 403–5b(b)),
23 the second place it appears.

1 (3) That Act is further amended by striking “Direc-
2 tor” each place it appears in the following provisions and
3 inserting “National Intelligence Director”:

4 (A) Section 114(c) (50 U.S.C. 404i(c)).

5 (B) Section 116(b) (50 U.S.C. 404k(b)).

6 (C) Section 1001(b) (50 U.S.C. 441g(b)).

7 (C) Section 1001(c) (50 U.S.C. 441g(c)), the
8 first place it appears.

9 (D) Section 1001(d)(1)(B) (50 U.S.C.
10 441g(d)(1)(B)).

11 (E) Section 1001(e) (50 U.S.C. 441g(e)), the
12 first place it appears.

13 (4) Section 114A of that Act (50 U.S.C. 404i–1) is
14 amended by striking “Director of Central Intelligence”
15 and inserting “National Intelligence Director, the Director
16 of the Central Intelligence Agency”

17 (5) Section 504(a)(2) of that Act (50 U.S.C.
18 414(a)(2)) is amended by striking “Director of Central In-
19 telligence” and inserting “Director of the Central Intel-
20 ligence Agency”.

21 (6) Section 701 of that Act (50 U.S.C. 431) is
22 amended—

23 (A) in subsection (a), by striking “Operational
24 files of the Central Intelligence Agency may be ex-
25 empted by the Director of Central Intelligence” and

1 inserting “The Director of the Central Intelligence
2 Agency, with the coordination of the National Intel-
3 ligence Director, may exempt operational files of the
4 Central Intelligence Agency”; and

5 (B) in subsection (g)(1), by striking “Director
6 of Central Intelligence” and inserting “Director of
7 the Central Intelligence Agency and the National In-
8 telligence Director”.

9 (7) The heading for section 114 of that Act (50
10 U.S.C. 404i) is amended to read as follows:

11 “ADDITIONAL ANNUAL REPORTS FROM THE NATIONAL
12 INTELLIGENCE DIRECTOR”.

13 (b) CENTRAL INTELLIGENCE AGENCY ACT OF
14 1949.—(1) The Central Intelligence Agency Act of 1949
15 (50 U.S.C. 403a et seq.) is amended by striking “Director
16 of Central Intelligence” each place it appears in the fol-
17 lowing provisions and inserting “National Intelligence Di-
18 rector”:

19 (A) Section 6 (50 U.S.C. 403g).

20 (B) Section 17(f) (50 U.S.C. 403q(f)), both
21 places it appears.

22 (2) That Act is further amended by striking “of Cen-
23 tral Intelligence” in each of the following provisions:

24 (A) Section 2 (50 U.S.C. 403b).

25 (A) Section 16(e)(1)(B) (50 U.S.C.
26 403p(e)(1)(B)).

1 (B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

2 (C) Section 20(e) (50 U.S.C. 403t(e)).

3 (3) That Act is further amended by striking “Direc-
4 tor of Central Intelligence” each place it appears in the
5 following provisions and inserting “Director of the Central
6 Intelligence Agency”:

7 (A) Section 14(b) (50 U.S.C. 403n(b)).

8 (B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

9 (C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)),
10 both places it appears.

11 (D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

12 (E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

13 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT
14 ACT.—Section 101 of the Central Intelligence Agency Re-
15 tirement Act (50 U.S.C. 2001) is amended by striking
16 paragraph (2) and inserting the following new paragraph
17 (2):

18 “(2) DIRECTOR.—The term ‘Director’ means
19 the Director of the Central Intelligence Agency.”.

20 (d) CIA VOLUNTARY SEPARATION PAY ACT.—Sub-
21 section (a)(1) of section 2 of the Central Intelligence
22 Agency Voluntary Separation Pay Act (50 U.S.C. 2001
23 note) is amended to read as follows:

24 “(1) the term ‘Director’ means the Director of
25 the Central Intelligence Agency;”.

1 (e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF
2 1978.—(1) The Foreign Intelligence Surveillance Act of
3 1978 (50 U.S.C. 1801 et seq.) is amended by striking “Di-
4 rector of Central Intelligence” each place it appears and
5 inserting “National Intelligence Director”.

6 (f) CLASSIFIED INFORMATION PROCEDURES ACT.—
7 Section 9(a) of the Classified Information Procedures Act
8 (5 U.S.C. App.) is amended by striking “Director of Cen-
9 tral Intelligence” and inserting “National Intelligence Di-
10 rector”.

11 (g) INTELLIGENCE AUTHORIZATION ACTS.—

12 (1) PUBLIC LAW 103–359.—Section 811(c)(6)(C)
13 of the Counterintelligence and Security Enhance-
14 ments Act of 1994 (title VIII of Public Law 103–
15 359) is amended by striking “Director of Central In-
16 telligence” and inserting “National Intelligence Di-
17 rector”.

18 (2) PUBLIC LAW 107–306.—(A) The Intelligence
19 Authorization Act for Fiscal Year 2003 (Public Law
20 107–306) is amended by striking “Director of Cen-
21 tral Intelligence, acting as the head of the intel-
22 ligence community,” each place it appears in the fol-
23 lowing provisions and inserting “National Intel-
24 ligence Director”:

25 (i) Section 313(a) (50 U.S.C. 404n(a)).

1 (ii) Section 343(a)(1) (50 U.S.C. 404n–
2 2(a)(1))

3 (B) That Act is further amended by striking
4 “Director of Central Intelligence” each place it ap-
5 pears in the following provisions and inserting “Na-
6 tional Intelligence Director”:

7 (i) Section 902(a)(2) (50 U.S.C.
8 402b(a)(2)).

9 (ii) Section 904(e)(4) (50 U.S.C.
10 402c(e)(4)).

11 (iii) Section 904(e)(5) (50 U.S.C.
12 402c(e)(5)).

13 (iv) Section 904(h) (50 U.S.C. 402c(h)),
14 each place it appears.

15 (v) Section 904(m) (50 U.S.C. 402c(m)).

16 (C) Section 341 of that Act (50 U.S.C. 404n–
17 1) is amended by striking “Director of Central Intel-
18 ligence, acting as the head of the intelligence com-
19 munity, shall establish in the Central Intelligence
20 Agency” and inserting “National Intelligence Direc-
21 tor shall establish within the Central Intelligence
22 Agency”.

23 (D) Section 352(b) of that Act (50 U.S.C. 404–
24 3 note) is amended by striking “Director” and in-
25 serting “National Intelligence Director”.

1 (3) PUBLIC LAW 108–177.—(A) The Intelligence
2 Authorization Act for Fiscal Year 2004 (Public Law
3 108–177) is amended by striking “Director of Cen-
4 tral Intelligence” each place it appears in the fol-
5 lowing provisions and inserting “National Intel-
6 ligence Director”:

7 (i) Section 317(a) (50 U.S.C. 403–3 note).

8 (ii) Section 317(h)(1).

9 (iii) Section 318(a) (50 U.S.C. 441g note).

10 (iv) Section 319(b) (50 U.S.C. 403 note).

11 (v) Section 341(b) (28 U.S.C. 519 note).

12 (vi) Section 357(a) (50 U.S.C. 403 note).

13 (vii) Section 504(a) (117 Stat. 2634), both

14 places it appears.

15 (B) Section 319(f)(2) of that Act (50 U.S.C.
16 403 note) is amended by striking “Director” the
17 first place it appears and inserting “National Intel-
18 ligence Director”.

19 (C) Section 404 of that Act (18 U.S.C. 4124
20 note) is amended by striking “Director of Central
21 Intelligence” and inserting “Director of the Central
22 Intelligence Agency”.

23 **SEC. 173. OTHER CONFORMING AMENDMENTS**

24 (a) NATIONAL SECURITY ACT OF 1947.—(1) Section
25 101(j) of the National Security Act of 1947 (50 U.S.C.

1 402(j)) is amended by striking “Deputy Director of Cen-
2 tral Intelligence” and inserting “Deputy National Intel-
3 ligence Director”.

4 (2) Section 112(d)(1) of that Act (50 U.S.C.
5 404g(d)(1)) is amended by striking “section 103(c)(6) of
6 this Act” and inserting “section 132(a)(9) of the National
7 Intelligence Authority Act of 2004”.

8 (3) Section 116(b) of that Act (50 U.S.C. 404k(b))
9 is amended by striking “to the Deputy Director of Central
10 Intelligence, or with respect to employees of the Central
11 Intelligence Agency, the Director may delegate such au-
12 thority to the Deputy Director for Operations” and insert-
13 ing “to the Deputy National Intelligence Director, or with
14 respect to employees of the Central Intelligence Agency,
15 to the Director of the Central Intelligence Agency”.

16 (4) Section 506A(b)(1) of that Act (50 U.S.C. 415a-
17 1(b)(1)) is amended by striking “Office of the Deputy Di-
18 rector of Central Intelligence” and inserting “Office of the
19 National Intelligence Director”.

20 (5) Section 701(c)(3) of that Act (50 U.S.C.
21 431(c)(3)) is amended by striking “Office of the Director
22 of Central Intelligence” and inserting “Office of the Na-
23 tional Intelligence Director”.

24 (6) Section 1001(b) of that Act (50 U.S.C. 441g(b))
25 is amended by striking “Assistant Director of Central In-

1 telligence for Administration” and inserting “Office of the
2 National Intelligence Director”.

3 (b) CENTRAL INTELLIGENCE ACT OF 1949.—Section
4 6 of the Central Intelligence Agency Act of 1949 (50
5 U.S.C. 403g) is amended by striking “section 103(c)(7)
6 of the National Security Act of 1947 (50 U.S.C. 403–
7 3(c)(7))” and inserting “section 132(a)(9) of the National
8 Intelligence Authority Act of 2004”.

9 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT
10 ACT.—Section 201(e) of the Central Intelligence Agency
11 Retirement Act (50 U.S.C. 2011(c)) is amended by strik-
12 ing “paragraph (6) of section 103(c) of the National Secu-
13 rity Act of 1947 (50 U.S.C. 403–3(c)) that the Director
14 of Central Intelligence” and inserting “section 132(a)(9)
15 of the National Intelligence Authority Act of 2004 that
16 the National Intelligence Director”.

17 (d) INTELLIGENCE AUTHORIZATION ACTS.—

18 (1) PUBLIC LAW 107–306.—(A) Section 343(c)
19 of the Intelligence Authorization Act for Fiscal Year
20 2003 (Public Law 107–306; 50 U.S.C. 404n–2(c)) is
21 amended by striking “section 103(c)(6) of the Na-
22 tional Security Act of 1947 (50 U.S.C. 403–
23 3((c)(6))” and inserting “section 132(a)(9) of the
24 National Intelligence Authority Act of 2004”.

1 (B) Section 904 of that Act (50 U.S.C. 402c)
2 is amended—

3 (i) in subsection (c), by striking “Office of
4 the Director of Central Intelligence” and insert-
5 ing “Office of the National Intelligence Direc-
6 tor”; and

7 (ii) in subsection (l), by striking “Office of
8 the Director of Central Intelligence” and insert-
9 ing “Office of the National Intelligence Direc-
10 tor”.

11 (2) PUBLIC LAW 108–177.—Section 317 of the
12 Intelligence Authorization Act for Fiscal Year 2004
13 (Public Law 108–177; 50 U.S.C. 403–3 note) is
14 amended—

15 (A) in subsection (g), by striking “Assist-
16 ant Director of Central Intelligence for Analysis
17 and Production” and inserting “Deputy Na-
18 tional Intelligence Director”; and

19 (B) in subsection (h)(2)(C), by striking
20 “Assistant Director” and inserting “Deputy
21 National Intelligence Director”.

1 **SEC. 174. ELEMENTS OF INTELLIGENCE COMMUNITY**
2 **UNDER NATIONAL SECURITY ACT OF 1947.**

3 Paragraph (4) of section 3 of the National Security
4 Act of 1947 (50 U.S.C. 401a) is amended to read as fol-
5 lows:

6 “(4) The term ‘intelligence community’ includes
7 the following:

8 “(A) The National Intelligence Authority.

9 “(B) The Central Intelligence Agency.

10 “(C) The National Security Agency.

11 “(D) The Defense Intelligence Agency.

12 “(E) The National Geospatial-Intelligence
13 Agency.

14 “(F) The National Reconnaissance Office.

15 “(G) Other offices within the Department
16 of Defense for the collection of specialized na-
17 tional intelligence through reconnaissance pro-
18 grams.

19 “(H) The intelligence elements of the
20 Army, the Navy, the Air Force, the Marine
21 Corps, the Federal Bureau of Investigation, and
22 the Department of Energy.

23 “(I) The Bureau of Intelligence and Re-
24 search of the Department of State.

25 “(J) The Office of Intelligence and Anal-
26 ysis of the Department of the Treasury.

1 “(K) The elements of the Department of
2 Homeland Security concerned with the analysis
3 of intelligence information, including the Office
4 of Intelligence of the Coast Guard.

5 “(L) Such other elements of any other de-
6 partment or agency as may be designated by
7 the President, or designated jointly by the Na-
8 tional Intelligence Director and the head of the
9 department or agency concerned, as an element
10 of the intelligence community.”.

11 **SEC. 175. REDESIGNATION OF NATIONAL FOREIGN INTEL-**
12 **LIGENCE PROGRAM AS NATIONAL INTEL-**
13 **LIGENCE PROGRAM.**

14 (a) REDESIGNATION.—Paragraph (6) of section 3 of
15 the National Security Act of 1947 (50 U.S.C. 401a) is
16 amended to read as follows:

17 “(6) The term ‘National Intelligence Pro-
18 gram’—

19 “(A)(i) refers to all national intelligence
20 programs, projects, and activities of the ele-
21 ments of the intelligence community; and

22 “(ii) includes all programs, projects, and
23 activities (whether or not pertaining to national
24 intelligence) of the National Intelligence Au-
25 thority, the Central Intelligence Agency, the

1 National Security Agency, the National
2 Geospatial-Intelligence Agency, the National
3 Reconnaissance Office, the Office of Intelligence
4 of the Federal Bureau of Investigation, and the
5 Directorate of Information Analysis and Infra-
6 structure Protection of the Department of
7 Homeland Security; but

8 “(B) does not refer—

9 “(i) to any program, project, or activ-
10 ity pertaining solely to the requirements of
11 a single department, agency, or element of
12 the United States Government; or

13 “(ii) to any program, project, or activ-
14 ity of the military departments to acquire
15 intelligence solely for the planning and
16 conduct of tactical military operations by
17 the United States Armed Forces.”.

18 (b) CONFORMING AMENDMENTS.—(1) The National
19 Security Act of 1947, as amended by this Act, is further
20 amended by striking “National Foreign Intelligence Pro-
21 gram” each place it appears in the following provisions
22 and inserting “National Intelligence Program”:

23 (A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

24 (B) Section 105(a)(3) (50 U.S.C. 403–5(a)(3)).

25 (C) Section 506(a) (50 U.S.C. 415a(a)).

1 (2) Section 17(f) of the Central Intelligence Agency
2 Act of 1949 (50 U.S.C. 403q(f)) is amended by striking
3 “National Foreign Intelligence Program” and inserting
4 “National Intelligence Program”.

5 (c) HEADING AMENDMENTS.—(1) The heading of
6 section 105 of that Act is amended by striking “FOR-
7 EIGN”.

8 (2) The heading of section 506 of that Act is amend-
9 ed by striking “FOREIGN”.

10 **SEC. 176. REPEAL OF SUPERSEDED AUTHORITIES.**

11 (a) APPOINTMENT OF CERTAIN INTELLIGENCE OF-
12 FICIALS.—Section 106 of the National Security Act of
13 1947 (50 U.S.C. 403–6) is repealed.

14 (b) COLLECTION TASKING AUTHORITY.—Section
15 111 of the National Security Act of 1947 (50 U.S.C. 404f)
16 is repealed.

17 **SEC. 177. CLERICAL AMENDMENTS TO NATIONAL SECURITY**
18 **ACT OF 1947.**

19 The table of contents for the National Security Act
20 of 1947 is amended—

21 (1) by striking the items relating to sections
22 102 through 104 and inserting the following new
23 items:

“Sec. 102. Central Intelligence Agency.

“Sec. 103. Director of the Central Intelligence Agency.”;

1 (2) by striking the item relating to section 105
2 and inserting the following new item:

“Sec. 105. Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.”;

3 (3) by striking the item relating to section 114
4 and inserting the following new item:

“Sec. 114. Additional annual reports from the National Intelligence Director.”;

5 and

6 (4) by striking the item relating to section 506
7 and inserting the following new item:

“Sec. 506. Specificity of National Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence”.

8 **SEC. 178. CONFORMING AMENDMENTS RELATING TO DUAL**
9 **SERVICE OF CERTAIN OFFICIALS AS DEPUTY**
10 **NATIONAL INTELLIGENCE DIRECTORS.**

11 (a) DIRECTOR OF CENTRAL INTELLIGENCE AGEN-
12 CY.—Section 1 of the Central Intelligence Agency Act of
13 1949 (50 U.S.C. 403a) is amended—

14 (1) by redesignating paragraphs (a), (b), and
15 (c) as paragraphs (1), (2), and (3), respectively; and
16 (2) by striking paragraph (2), as so redesign-
17 ated, and inserting the following new paragraph
18 (2):

19 “(2) ‘Director’ means the Director of the Central In-
20 telligence Agency; and”.

1 (b) UNDER SECRETARY OF DEFENSE FOR INTEL-
2 LIGENCE.—Section 137 of title 10, United States Code,
3 is amended—

4 (1) in subsection (a), by adding at the end the
5 following new sentence: “The appointment of an in-
6 dividual as Under Secretary is subject to the provi-
7 sions of section 135(c) of the National Intelligence
8 Authority Act of 2004.”; and

9 (2) in subsection (b)—

10 (A) by inserting “(1)” after “(a)”; and

11 (B) by adding at the end the following new
12 paragraph:

13 “(2) In addition to the duties and powers provided
14 for under paragraph (1), the Under Secretary of Defense
15 for Intelligence also serves as Deputy National Intelligence
16 Director for Defense Intelligence under section 114(c) of
17 the National Intelligence Authority Act of 2004, and, in
18 that capacity, has the duties and responsibilities set forth
19 in paragraph (3) of such section.”.

20 (c) UNDER SECRETARY OF HOMELAND SECURITY
21 FOR INFORMATION ANALYSIS AND INFRASTRUCTURE
22 PROTECTION.—Section 201(a) of the Homeland Security
23 Act of 2002 (6 U.S.C. 201(a)) is amended—

24 (1) in paragraph (1), by adding at the end the
25 following new sentence: “The appointment of an indi-

1 vidual as Under Secretary is subject to the provi-
2 sions of section 135(c) of the National Intelligence
3 Authority Act of 2004.”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(3) CONCURRENT SERVICE AS DEPUTY NA-
7 TIONAL INTELLIGENCE DIRECTOR FOR HOMELAND
8 INTELLIGENCE.—Upon the election of the National
9 Intelligence Director, the Under Secretary also
10 serves as the Deputy National Intelligence Director
11 for Homeland Intelligence under section 114(d) of
12 the National Intelligence Authority Act of 2004,
13 and, in that capacity, has the duties and responsibil-
14 ities set forth in paragraph (3) of such section.”.

15 (d) EXECUTIVE ASSISTANT DIRECTOR FOR INTEL-
16 LIGENCE OF FBI.—Upon the election of the National In-
17 telligence Director, the Executive Assistant Director for
18 Intelligence of the Federal Bureau of Investigation also
19 serves as the Deputy National Intelligence Director for
20 Homeland Intelligence under section 114(d), and, in that
21 capacity, has the duties and responsibilities set forth in
22 paragraph (3) of such section.

1 **SEC. 179. CONFORMING AMENDMENT TO INSPECTOR GEN-**
2 **ERAL ACT OF 1978.**

3 Section 8H(a)(1) of the Inspector General Act of
4 1978 (5 U.S.C. App.) is amended by adding at the end
5 the following new subparagraph:

6 “(D) An employee of the National Intelligence Au-
7 thority, or of a contractor of the Authority, who intends
8 to report to Congress a complaint or information with re-
9 spect to an urgent concern may report the complaint or
10 information to the Inspector General of the National Intel-
11 ligence Authority in accordance with section 131(h)(5) of
12 the National Intelligence Authority Act of 2004.”.

13 **Subtitle G—Other Matters**

14 **SEC. 181. TRANSFER OF COMMUNITY MANAGEMENT STAFF.**

15 (a) TRANSFER.—There shall be transferred to the
16 Office of the National Intelligence Director the staff of
17 the Community Management Staff as of the date of the
18 enactment of this Act, including all functions and activi-
19 ties discharged by the Community Management Staff as
20 of that date.

21 (b) ADMINISTRATION.—The National Intelligence Di-
22 rector shall administer the Community Management Staff
23 after the date of the enactment of this Act as a component
24 of the Office of the National Intelligence Director under
25 section 113(d)(2).

1 **SEC. 182. TRANSFER OF TERRORIST THREAT INTEGRATION**
2 **CENTER.**

3 (a) TRANSFER.—There shall be transferred to the
4 National Counterterrorism Center the Terrorist Threat
5 Integration Center (TTIC), including all functions and ac-
6 tivities discharged by the Terrorist Threat Integration
7 Center as of the date of the enactment of this Act.

8 (b) ADMINISTRATION.—The Director of the National
9 Counterterrorism Center shall administer the Terrorist
10 Threat Integration Center after the date of the enactment
11 of this Act as a component of the Directorate of Intel-
12 ligence of the National Counterterrorism Center under
13 section 141(f)(2).

14 **SEC. 183. TERMINATION OF POSITIONS OF ASSISTANT DI-**
15 **RECTORS OF CENTRAL INTELLIGENCE.**

16 (a) TERMINATION.—The positions within the Central
17 Intelligence Agency referred to in subsection (b) are here-
18 by abolished.

19 (b) COVERED POSITIONS.—The positions within the
20 Central Intelligence Agency referred to in this subsection
21 are as follows:

22 (1) The Assistant Director of Central Intel-
23 ligence for Collection.

24 (2) The Assistant Director of Central Intel-
25 ligence for Analysis and Production.

1 (3) The Assistant Director of Central Intel-
2 ligence for Administration.

3 **SEC. 184. TERMINATION OF JOINT MILITARY INTEL-**
4 **LIGENCE PROGRAM.**

5 Effective as of October 1, 2005, the Joint Military
6 Intelligence Program is abolished.

7 **SEC. 185. EXECUTIVE SCHEDULE MATTERS.**

8 (a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312
9 of title 5, United States Code, is amended by adding the
10 end the following new item:

11 “National Intelligence Director.”.

12 (b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313
13 of title 5, United States Code, is amended by adding at
14 the end the following new items:

15 “Deputy National Intelligence Director.

16 “Director of the National Counterterrorism
17 Center.”.

18 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
19 5315 of title 5, United States Code, is amended by strik-
20 ing the item relating to the Assistant Directors of Central
21 Intelligence.

22 **SEC. 186. PRESERVATION OF INTELLIGENCE CAPABILITIES.**

23 The National Intelligence Director, the Director of
24 the Central Intelligence Agency, and the Secretary of De-
25 fense shall jointly take such actions as are appropriate to

1 preserve the intelligence capabilities of the United States
2 during the establishment of the National Intelligence Au-
3 thority under this title.

4 **SEC. 187. GENERAL REFERENCES.**

5 (a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD
6 OF INTELLIGENCE COMMUNITY.—Any reference to the
7 Director of Central Intelligence or the Director of the Cen-
8 tral Intelligence Agency in the Director's capacity as the
9 head of the intelligence community in any law, regulation,
10 document, paper, or other record of the United States
11 shall be deemed to be a reference to the National Intel-
12 ligence Director.

13 (b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD
14 OF CIA.—Any reference to the Director of Central Intel-
15 ligence or the Director of the Central Intelligence Agency
16 in the Director's capacity as the head of the Central Intel-
17 ligence Agency in any law, regulation, document, paper,
18 or other record of the United States shall be deemed to
19 be a reference to the Director of the Central Intelligence
20 Agency.

21 (c) COMMUNITY MANAGEMENT STAFF.—Any ref-
22 erence to the Community Management Staff in any law,
23 regulation, document, paper, or other record of the United
24 States shall be deemed to be a reference to the staff of
25 the Office of the National Intelligence Director.

1 **TITLE II—INFORMATION**
2 **SHARING**

3 **SEC. 201. INFORMATION SHARING.**

4 (a) DEFINITIONS.—In this section:

5 (1) NETWORK.—The term “Network” means
6 the Information Sharing Network described in sub-
7 section (c).

8 (2) TERRORISM INFORMATION.—The term “ter-
9 rorism information” means all information, whether
10 collected, produced, or distributed by intelligence,
11 law enforcement, military, homeland security, or
12 other activities, relating to—

13 (A) the existence, organization, capabili-
14 ties, plans, intentions, vulnerabilities, means of
15 finance or material support, or activities of for-
16 eign or international terrorist groups or individ-
17 uals, or of domestic groups or individuals in-
18 volved in transnational terrorism;

19 (B) threats posed by such groups or indi-
20 viduals to the United States, United States per-
21 sons, or United States interests, or to those of
22 other nations;

23 (C) communications of or by such groups
24 or individuals; or

1 (D) information relating to groups or indi-
2 viduals reasonably believed to be assisting or
3 associated with such groups or individuals.

4 (b) FINDINGS.—Consistent with the report of the Na-
5 tional Commission on Terrorist Attacks Upon the United
6 States, Congress makes the following findings:

7 (1) The effective use of information, from all
8 available sources, is essential to the fight against
9 terror and the protection of our homeland. The big-
10 gest impediment to all-source analysis, and to a
11 greater likelihood of “connecting the dots”, is resist-
12 ance to sharing information.

13 (2) The United States Government has access
14 to a vast amount of information, including not only
15 traditional intelligence but also other government
16 databases, such as those containing customs or im-
17 migration information. But the United States Gov-
18 ernment has a weak system for processing and using
19 the information it has.

20 (3) In the period leading up to September 11,
21 2001, there were instances of potentially helpful in-
22 formation that was available but that no person
23 knew to ask for; information that was distributed
24 only in compartmented channels; and information
25 that was requested but could not be shared.

1 (4) Current security requirements nurture over-
2 classification and excessive compartmentalization of
3 information among agencies. Each agency’s incentive
4 structure opposes sharing, with risks, including
5 criminal, civil, and administrative sanctions, but few
6 rewards for sharing information.

7 (5) The current system, in which each intel-
8 ligence agency has its own security practices, re-
9 quires a demonstrated “need to know” before shar-
10 ing. This approach assumes that it is possible to
11 know, in advance, who will need to use the informa-
12 tion. An outgrowth of the cold war, such a system
13 implicitly assumes that the risk of inadvertent dis-
14 closure outweighs the benefits of wider sharing.
15 Such assumptions are no longer appropriate. Al-
16 though counterintelligence concerns are still real, the
17 costs of not sharing information are also substantial.
18 The current “need-to-know” culture of information
19 protection needs to be replaced with a “need-to-
20 share” culture of integration.

21 (6) A new approach to the sharing of terrorism
22 information is urgently needed. An important con-
23 ceptual model for a new “trusted information net-
24 work” is the Systemwide Homeland Analysis and
25 Resource Exchange (SHARE) Network proposed by

1 a task force of leading professionals assembled by
2 the Markle Foundation and described in reports
3 issued in October 2002 and December 2003.

4 (7) No single agency can create a meaningful
5 information sharing system on its own. Alone, each
6 agency can only modernize stovepipes, not replace
7 them. Presidential leadership is required to bring
8 about governmentwide change.

9 (c) INFORMATION SHARING NETWORK.—

10 (1) ESTABLISHMENT.—The President shall es-
11 tablish an information sharing network to promote
12 the sharing of terrorism information, in a manner
13 consistent with national security and the protection
14 of privacy and civil liberties.

15 (2) ATTRIBUTES.—The Network shall promote
16 coordination, communication and collaboration of
17 people and information among all relevant Federal
18 departments and agencies, State, tribal, and local
19 authorities, and relevant private sector entities, in-
20 cluding owners and operators of critical infrastruc-
21 ture, by using policy guidelines and technologies that
22 support—

23 (A) a decentralized, distributed, and co-
24 ordinated environment that connects existing
25 systems where appropriate and allows users to

1 share information horizontally across agencies,
2 vertically between levels of government, and, as
3 appropriate, with the private sector;

4 (B) building on existing systems capabili-
5 ties at relevant agencies;

6 (C) utilizing industry best practices, in-
7 cluding minimizing the centralization of data
8 and seeking to use common tools and capabili-
9 ties whenever possible;

10 (D) employing an information rights man-
11 agement approach that controls access to data
12 rather than to whole networks;

13 (E) facilitating the sharing of information
14 at and across all levels of security by using pol-
15 icy guidelines and technologies that support
16 writing information that can be broadly shared;

17 (F) providing directory services for locat-
18 ing people and information;

19 (G) incorporating protections for individ-
20 uals' privacy and civil liberties;

21 (H) incorporating mechanisms for informa-
22 tion security; and

23 (I) access controls, authentication and au-
24 thorization, audits, and other strong mecha-
25 nisms for information security and privacy

1 guideline enforcement across all levels of secu-
2 rity, in order to enhance accountability and fa-
3 cilitate oversight.

4 (d) IMMEDIATE STEPS.—Not later than 90 days after
5 the date of enactment of this Act, the President, through
6 the Director of Management and Budget and in consulta-
7 tion with the National Intelligence Director, the Attorney
8 General, the Secretary of Homeland Security, the Sec-
9 retary of Defense, the Secretary of State, the Director of
10 the Federal Bureau of Investigation, the Director of the
11 Central Intelligence Agency, and such other Federal offi-
12 cials as the President shall designate, shall—

13 (1) establish electronic directory services to as-
14 sist in locating in the Federal Government terrorism
15 information and people with relevant knowledge
16 about terrorism information; and

17 (2) conduct a review of relevant current Federal
18 agency capabilities, including a baseline inventory of
19 current Federal systems that contain terrorism in-
20 formation, the money currently spent to maintain
21 those systems, and identification of other informa-
22 tion that should be included in the Network.

23 (e) GUIDELINES.—As soon as possible, but in no
24 event later than 180 days after the date of enactment of
25 this Act, the President shall—

1 (1) in consultation with the National Intel-
2 ligence Director and the Advisory Council on Infor-
3 mation Sharing established in subsection (g), issue
4 guidelines for acquiring, accessing, sharing, and
5 using terrorism information, including guidelines to
6 ensure such information is provided in its most
7 shareable form, such as by separating out data from
8 the sources and methods by which they are obtained;

9 (2) in consultation with the Privacy and Civil
10 Liberties Oversight Board established under section
11 901, issue guidelines that—

12 (A) protect privacy and civil liberties in the
13 development and use of the Network; and

14 (B) shall be made public, unless, and only
15 to the extent that, nondisclosure is clearly nec-
16 essary to protect national security;

17 (3) establish objective, systemwide performance
18 measures to enable the assessment of progress to-
19 ward achieving full implementation of the Network;
20 and

21 (4) require Federal departments and agencies
22 to promote a culture of information sharing by—

23 (A) reducing disincentives to information
24 sharing, including overclassification of informa-

1 tion and unnecessary requirements for origi-
2 nator approval; and

3 (B) providing affirmative incentives for in-
4 formation sharing, such as the incorporation of
5 information sharing performance measures into
6 agency and managerial evaluations, and em-
7 ployee awards for promoting innovative infor-
8 mation sharing practices.

9 (f) SYSTEM DESIGN AND IMPLEMENTATION PLAN.—

10 Not later than 270 days after the date of enactment of
11 this Act, the President shall submit to Congress a system
12 design and implementation plan for the Network. The plan
13 shall be prepared by the President through the Director
14 of Management and Budget and in consultation with the
15 National Intelligence Director, the Attorney General, the
16 Secretary of Homeland Security, the Secretary of Defense,
17 the Secretary of State, the Director of the Federal Bureau
18 of Investigation, the Director of the Central Intelligence
19 Agency, and such other Federal officials as the President
20 shall designate, and shall include—

21 (1) a description of the parameters of the pro-
22 posed Network, including functions, capabilities, and
23 resources;

24 (2) a description of the technological, legal, and
25 policy issues presented by the creation of the Net-

1 work described in subsection (c), and the ways in
2 which these issues will be addressed;

3 (3)(A) a delineation of the roles of the Federal
4 departments and agencies that will participate in the
5 development of the Network, including—

6 (i) identification of any agency that will
7 build the infrastructure needed to operate and
8 manage the Network (as distinct from the indi-
9 vidual agency components that are to be part of
10 the Network); and

11 (ii) identification of any agency that will
12 operate and manage the Network (as distinct
13 from the individual agency components that are
14 to be part of the Network);

15 (B) a provision that the delineation of roles
16 under subparagraph (A) shall—

17 (i) be consistent with the authority of the
18 National Intelligence Director, under this Act,
19 to set standards for information sharing and in-
20 formation technology throughout the intel-
21 ligence community; and

22 (ii) recognize the role of the Department of
23 Homeland Security in coordinating with State,
24 tribal, and local officials and the private sector;

1 (4) a description of the technological require-
2 ments to appropriately link and enhance existing
3 networks and a description of the system design that
4 will meet these requirements;

5 (5) a plan, including a time line, for the devel-
6 opment and phased implementation of the Network;

7 (6) total budget requirements to develop and
8 implement the Network, including the estimated an-
9 nual cost for each of the 5 years following the date
10 of enactment of this Act; and

11 (7) proposals for any legislation that the Presi-
12 dent believes necessary to implement the Network.

13 (g) ADVISORY COUNCIL ON INFORMATION SHAR-
14 ING.—

15 (1) ESTABLISHMENT.—There is established an
16 Advisory Council on Information Sharing (in this
17 subsection referred to as the “Council”).

18 (2) MEMBERSHIP.—No more than 25 individ-
19 uals may serve as members of the Council, which
20 shall include—

21 (A) the National Intelligence Director, who
22 shall serve as Chairman of the Council;

23 (B) the Secretary of Homeland Security;

24 (C) the Secretary of Defense;

25 (D) the Attorney General;

1 (E) the Secretary of State;

2 (F) the Director of the Central Intelligence
3 Agency;

4 (G) the Director of the Federal Bureau of
5 Investigation;

6 (H) the Director of Management and
7 Budget;

8 (I) such other Federal officials as the
9 President shall designate;

10 (J) representatives of State, tribal, and
11 local governments, to be appointed by the Presi-
12 dent;

13 (K) individuals from outside government
14 with expertise in relevant technology, security
15 and privacy concepts, to be appointed by the
16 President; and

17 (L) individuals who are employed in pri-
18 vate businesses or nonprofit organizations that
19 own or operate critical infrastructure, to be ap-
20 pointed by the President.

21 (3) RESPONSIBILITIES.—The Council shall—

22 (A) advise the President and the heads of
23 relevant Federal departments and agencies on
24 the implementation of the Network;

1 (B) ensure that there is coordination
2 among participants in the Network in the devel-
3 opment and implementation of the Network;

4 (C) review, on an ongoing basis, policy,
5 legal and technology issues related to the imple-
6 mentation of the Network; and

7 (D) establish a dispute resolution process
8 to resolve disagreements among departments
9 and agencies about whether particular terrorism
10 information should be shared and in what man-
11 ner.

12 (4) INAPPLICABILITY OF FEDERAL ADVISORY
13 COMMITTEE ACT.—The Council shall not be subject
14 to the requirements of the Federal Advisory Com-
15 mittee Act (5 U.S.C. App.).

16 (5) INFORMING THE PUBLIC.—The Council
17 shall hold public hearings and otherwise inform the
18 public of its activities, as appropriate and in a man-
19 ner consistent with the protection of classified infor-
20 mation and applicable law.

21 (6) COUNCIL REPORTS.—Not later than 1 year
22 after the date of enactment of this Act and annually
23 thereafter, the National Intelligence Director, in the
24 capacity of Chairman of the Council, shall submit a
25 report to Congress that shall include—

1 (A) a description of the activities and ac-
2 complishments of the Council in the preceding
3 year; and

4 (B) the number and dates of the meetings
5 held by the Council and a list of attendees at
6 each meeting.

7 (h) PRESIDENTIAL REPORTS.—Not later than 1 year
8 after the date of enactment of this Act, and semiannually
9 thereafter, the President shall submit a report to Congress
10 on the state of the Network. The report shall include—

11 (1) a progress report on the extent to which the
12 Network has been implemented, including how the
13 Network has fared on the governmentwide and agen-
14 cy-specific performance measures and whether the
15 performance goals set in the preceding year have
16 been met;

17 (2) objective systemwide performance goals for
18 the following year;

19 (3) an accounting of how much was spent on
20 the Network in the preceding year;

21 (4) actions taken to ensure that agencies pro-
22 cure new technology that is consistent with the Net-
23 work and information on whether new systems and
24 technology are consistent with the Network;

1 (5) the extent to which, in appropriate cir-
2 cumstances, all terrorism watch lists are available
3 for combined searching in real time through the
4 Network and whether there are consistent standards
5 for placing individuals on, and removing individuals
6 from, the watch lists, including the availability of
7 processes for correcting errors;

8 (6) the extent to which unnecessary roadblocks
9 or disincentives to information sharing, including the
10 inappropriate use of paper-only intelligence products
11 and requirements for originator approval, have been
12 eliminated;

13 (7) the extent to which positive incentives for
14 information sharing have been implemented;

15 (8) the extent to which classified information is
16 also made available through the Network, in whole
17 or in part, in unclassified form;

18 (9) the extent to which State, tribal, and local
19 officials—

20 (A) are participating in the Network;

21 (B) have systems which have become inte-
22 grated into the Network;

23 (C) are providing as well as receiving infor-
24 mation; and

1 (D) are using the Network to communicate
2 with each other;

3 (10) the extent to which—

4 (A) private sector data, including informa-
5 tion from owners and operators of critical infra-
6 structure, is incorporated in the Network; and

7 (B) the private sector is both providing
8 and receiving information;

9 (11) where private sector data has been used by
10 the Government or has been incorporated into the
11 Network—

12 (A) the measures taken to protect sensitive
13 business information; and

14 (B) where the data involves information
15 about individuals, the measures taken to ensure
16 the accuracy of such data;

17 (12) the measures taken by the Federal Gov-
18 ernment to ensure the accuracy of other information
19 on the Network and, in particular, the accuracy of
20 information about individuals;

21 (13) an assessment of the Network's privacy
22 protections, including actions taken in the preceding
23 year to implement or enforce privacy protections and
24 a report of complaints received about interference
25 with an individual's privacy or civil liberties; and

1 (14) an assessment of the security protections
2 of the Network.

3 (i) AGENCY PLANS AND REPORTS.—Each Federal
4 department or agency that possesses or uses terrorism in-
5 formation or that otherwise participates, or expects to par-
6 ticipate, in the Network, shall submit to the Director of
7 Management and Budget and to Congress—

8 (1) not later than 1 year after the enactment
9 of this Act, a report including—

10 (A) a strategic plan for implementation of
11 the Network’s requirements within the depart-
12 ment or agency;

13 (B) objective performance measures to as-
14 sess the progress and adequacy of the depart-
15 ment’s or agency’s information sharing efforts;
16 and

17 (C) budgetary requirements to integrate
18 the department or agency into the Network, in-
19 cluding projected annual expenditures for each
20 of the following 5 years following the submis-
21 sion of the reports; and

22 (2) annually thereafter, reports including—

23 (A) an assessment of the department’s or
24 agency’s progress in complying with the Net-
25 work’s requirements, including how well the de-

1 department or agency has performed on the objec-
2 tive measures developed under paragraph (1);

3 (B) the department's or agency's expendi-
4 tures to implement and comply with the Net-
5 work's requirements in the preceding year;

6 (C) the department's or agency's plans for
7 further implementation of the Network in the
8 year following the submission of the report.

9 (j) PERIODIC ASSESSMENTS.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, and periodically
12 thereafter, the Government Accountability Office
13 shall review and evaluate the implementation of the
14 Network, both generally and, at its discretion, within
15 specific departments and agencies, to determine the
16 extent of compliance with the Network's require-
17 ments and to assess the effectiveness of the Network
18 in improving information sharing and collaboration
19 and in protecting privacy and civil liberties, and
20 shall report to Congress on its findings.

21 (2) INSPECTORS GENERAL.—The Inspector
22 General in any Federal department or agency that
23 possesses or uses terrorism information or that oth-
24 erwise participates in the Network shall, at the dis-
25 cretion of the Inspector General—

- 1 (A) conduct audits or investigations to—
2 (i) determine the compliance of that
3 department or agency with the Network’s
4 requirements; and
5 (ii) assess the effectiveness of that de-
6 partment or agency in improving informa-
7 tion sharing and collaboration and in pro-
8 tecting privacy and civil liberties; and
9 (B) issue reports on such audits and inves-
10 tigations.

11 (k) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated—

13 (1) \$50,000,000 to the Director of Management
14 and Budget to carry out this section for fiscal year
15 2005; and

16 (2) such sums as are necessary to carry out this
17 section in each fiscal year thereafter, to be disbursed
18 and allocated in accordance with the Network sys-
19 tem design and implementation plan required by
20 subsection (f).

1 (5) Congress should either create a new, joint
2 Senate-House intelligence authorizing committee
3 modeled on the former Joint Committee on Atomic
4 Energy, or establish new intelligence committees in
5 each chamber with combined authorization and ap-
6 propriations authority.

7 (6) Congress should establish a single, principal
8 point of oversight and review in each chamber for
9 the Department of Homeland Security and the re-
10 port of the National Commission on Terrorist At-
11 tacks Upon the United States stated that “Congres-
12 sional leaders are best able to judge what committee
13 should have jurisdiction over this department and its
14 duties.”.

15 (7) In August 2004, the joint Senate leadership
16 created a bipartisan working group to examine how
17 best to implement the Commission’s recommenda-
18 tions with respect to reform of the Senate’s over-
19 sight of intelligence and homeland security, and di-
20 rected the working group to begin its work imme-
21 diately and to present its findings and recommenda-
22 tions to Senate leadership as expeditiously as pos-
23 sible.

1 **SEC. 302. REORGANIZATION OF CONGRESSIONAL JURIS-**
2 **DICTION.**

3 The 108th Congress shall not adjourn until each
4 House of Congress has adopted the necessary changes to
5 its rules such that, effective the start of the 109th Con-
6 gress—

7 (1) jurisdiction over proposed legislation, mes-
8 sages, petitions, memorials, and other matters relat-
9 ing to the Department of Homeland Security shall
10 be consolidated in a single committee in each House
11 and such committee shall have a nonpartisan staff;
12 and

13 (2) jurisdiction over proposed legislation, mes-
14 sages, petitions, memorials, and other matters re-
15 lated to intelligence shall reside in—

16 (A) either a joint Senate-House author-
17 izing committee modeled on the former Joint
18 Committee on Atomic Energy, or a committee
19 in each chamber with combined authorization
20 and appropriations authority; and

21 (B) regardless of which committee struc-
22 ture is selected, the intelligence committee or
23 committees shall have—

24 (i) not more than 9 members in each
25 House, who shall serve without term limits
26 and of which at least 1 each shall also

1 serve on a committee on Armed Services,
 2 Judiciary, and Foreign Affairs and at least
 3 1 on a Defense Appropriations sub-
 4 committee;

5 (ii) authority to issue subpoenas;

6 (iii) majority party representation
 7 that does not exceed minority party rep-
 8 resentation by more than 1 member in
 9 each House, and a nonpartisan staff; and

10 (iv) a subcommittee devoted solely to
 11 oversight.

12 **TITLE IV—PRESIDENTIAL** 13 **TRANSITION**

14 **SEC. 401. PRESIDENTIAL TRANSITION.**

15 (a) SERVICES PROVIDED PRESIDENT-ELECT.—Sec-
 16 tion 3 of the Presidential Transition Act of 1963 (3
 17 U.S.C. 102 note) is amended—

18 (1) by adding after subsection (a)(8)(A)(iv) the
 19 following:

20 “(v) Activities under this paragraph
 21 shall include the preparation of a detailed
 22 classified, compartmented summary by the
 23 relevant outgoing executive branch officials
 24 of specific operational threats to national
 25 security; major military or covert oper-

1 ations; and pending decisions on possible
2 uses of military force. This summary shall
3 be provided to the President-elect as soon
4 as possible after the date of the general
5 elections held to determine the electors of
6 President and Vice President under section
7 1 or 2 of title 3, United States Code.”;

8 (2) by redesignating subsection (f) as sub-
9 section (g); and

10 (3) by adding after subsection (e) the following:

11 “(f)(1) The President-elect should submit to the
12 agency designated by the President under section 401(d)
13 of the 9/11 Commission Report Implementation Act of
14 2004 the names of candidates for high level national secu-
15 rity positions through the level of undersecretary of cabi-
16 net departments as soon as possible after the date of the
17 general elections held to determine the electors of Presi-
18 dent and Vice President under section 1 or 2 of title 3,
19 United States Code.

20 “(2) The Federal Bureau of Investigation, and any
21 other appropriate agency, shall undertake and complete as
22 expeditiously as possible the background investigations
23 necessary to provide appropriate security clearances to the
24 individuals who are candidates described under paragraph
25 (1) before the date of the inauguration of the President-

1 elect as President and the inauguration of the Vice-Presi-
2 dent-elect as Vice President.”.

3 (b) SENSE OF THE SENATE REGARDING EXPEDITED
4 CONSIDERATION OF NATIONAL SECURITY NOMINEES.—
5 It is the sense of the Senate that—

6 (1) the President-elect should submit the nomi-
7 nations of candidates for high-level national security
8 positions, through the level of undersecretary of cab-
9 inet departments, to the Senate by the date of the
10 inauguration of the President-elect as President; and

11 (2) for all national security nominees received
12 by the date of inauguration, the Senate committees
13 to which these nominations are referred should, to
14 the fullest extent possible, complete their consider-
15 ation of these nominations, and, if such nominations
16 are reported by the committees, the full Senate
17 should vote to confirm or reject these nominations,
18 within 30 days of their submission.

19 (c) SECURITY CLEARANCES FOR TRANSITION TEAM
20 MEMBERS.—

21 (1) DEFINITION.—In this section, the term
22 “major party” shall have the meaning given under
23 section 9002(6) of the Internal Revenue Code of
24 1986.

1 (2) IN GENERAL.—Each major party candidate
2 for President, except a candidate who is the incum-
3 bent President, may submit, before the date of the
4 general election, requests for security clearances for
5 prospective transition team members who will have
6 a need for access to classified information to carry
7 out their responsibilities as members of the Presi-
8 dent-elect’s transition team.

9 (3) COMPLETION DATE.—Necessary back-
10 ground investigations and eligibility determinations
11 to permit appropriate prospective transition team
12 members to have access to classified information
13 shall be completed, to the fullest extent practicable,
14 by the day after the date of the general election.

15 (d) CONSOLIDATION OF RESPONSIBILITY FOR PER-
16 SONNEL SECURITY INVESTIGATIONS.—

17 (1) CONSOLIDATION.—

18 (A) IN GENERAL.—Not later than 45 days
19 after the date of enactment of this Act, the
20 President shall select a single Federal agency to
21 provide and maintain all security clearances for
22 Federal employees and Federal contractor per-
23 sonnel who require access to classified informa-
24 tion, including conducting all investigation func-
25 tions.

1 (B) CONSIDERATIONS.—In selecting an
2 agency under this paragraph, the President
3 shall fully consider requiring the transfer of in-
4 vestigation functions to the Office of Personnel
5 Management as described under section 906 of
6 the National Defense Authorization Act for Fis-
7 cal Year 2004 (5 U.S.C. 1101 note).

8 (C) COORDINATION AND CONSOLIDATION
9 OF RESPONSIBILITIES.—The Federal agency se-
10 lected under this paragraph shall—

11 (i) take all necessary actions to carry
12 out the responsibilities under this sub-
13 section, including entering into a memo-
14 randum of understanding with any agency
15 carrying out such responsibilities before
16 the date of enactment of this Act; and

17 (ii) identify any legislative actions
18 necessary to further implement this sub-
19 section.

20 (D) DATABASE.—The agency selected
21 shall, as soon as practicable, establish and
22 maintain a single database for tracking security
23 clearance applications, investigations and eligi-
24 bility determinations and ensure that security
25 clearance investigations are conducted accord-

1 ing to uniform standards, including uniform se-
2 curity questionnaires and financial disclosure
3 requirements.

4 (E) POLYGRAPHS.—The President shall di-
5 rect the agency selected under this paragraph
6 to administer any polygraph examinations on
7 behalf of agencies that require them.

8 (2) ACCESS.—The President, acting through
9 the National Intelligence Director, shall—

10 (A) establish uniform standards and proce-
11 dures for the grant of access to classified infor-
12 mation to any officer or employee of any agency
13 or department of the United States and to em-
14 ployees of contractors of those agencies and de-
15 partments;

16 (B) ensure the consistent implementation
17 of those standards and procedures throughout
18 such agencies and departments; and

19 (C) ensure that security clearances granted
20 by individual elements of the intelligence com-
21 munity are recognized by all elements of the in-
22 telligence community, and under contracts en-
23 tered into by such elements.

1 **TITLE V—THE ROLE OF DIPLO-**
2 **MACY, FOREIGN AID, AND**
3 **THE MILITARY IN THE WAR**
4 **ON TERRORISM**

5 **SEC. 501. REPORT ON TERRORIST SANCTUARIES.**

6 (a) FINDINGS.—Consistent with the report of the Na-
7 tional Commission on Terrorist Attacks Upon the United
8 States, Congress makes the following findings:

9 (1) Complex terrorist operations require loca-
10 tions that provide such operations sanctuary from
11 interference by government or law enforcement per-
12 sonnel.

13 (2) A terrorist sanctuary existed in Afghanistan
14 before September 11, 2001.

15 (3) The terrorist sanctuary in Afghanistan pro-
16 vided direct and indirect value to members of al
17 Qaeda who participated in the terrorist attacks on
18 the United States on September 11, 2001 and in
19 other terrorist operations.

20 (4) Terrorist organizations have fled to some of
21 the least governed and most lawless places in the
22 world to find sanctuary.

23 (5) During the twenty-first century, terrorists
24 are focusing on remote regions and failing states as
25 locations to seek sanctuary.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the United States Government should iden-
4 tify and prioritize locations that are or that could be
5 used as terrorist sanctuaries;

6 (2) the United States Government should have
7 a realistic strategy that includes the use of all ele-
8 ments of national power to keep possible terrorists
9 from using a location as a sanctuary; and

10 (3) the United States Government should reach
11 out, listen to, and work with countries in bilateral
12 and multilateral fora to prevent locations from be-
13 coming sanctuaries and to prevent terrorists from
14 using locations as sanctuaries.

15 (c) STRATEGY ON TERRORIST SANCTUARIES.—

16 (1) REPORT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 President shall submit to Congress a report that de-
19 scribes a strategy for addressing and, where pos-
20 sible, eliminating terrorist sanctuaries.

21 (2) CONTENT.—The report required under this
22 section shall include the following:

23 (A) A description of actual and potential
24 terrorist sanctuaries, together with an assess-

1 ment of the priorities of addressing and elimi-
2 nating such sanctuaries.

3 (B) An outline of strategies for disrupting
4 or eliminating the security provided to terrorists
5 by such sanctuaries.

6 (C) A description of efforts by the United
7 States Government to work with other countries
8 in bilateral and multilateral fora to address or
9 eliminate actual or potential terrorist sanc-
10 tuaries and disrupt or eliminate the security
11 provided to terrorists by such sanctuaries.

12 (D) A description of long-term goals and
13 actions designed to reduce the conditions that
14 allow the formation of terrorist sanctuaries,
15 such as supporting and strengthening host gov-
16 ernments, reducing poverty, increasing eco-
17 nomic development, strengthening civil society,
18 securing borders, strengthening internal secu-
19 rity forces, and disrupting logistics and commu-
20 nications networks of terrorist groups.

21 **SEC. 502. ROLE OF PAKISTAN IN COUNTERING TERRORISM.**

22 (a) FINDINGS.—Consistent with the report of the Na-
23 tional Commission on Terrorist Attacks Upon the United
24 States, Congress makes the following findings:

1 (1) The Government of Pakistan has a critical
2 role to perform in the struggle against Islamist ter-
3 rorism.

4 (2) The endemic poverty, widespread corrup-
5 tion, and frequent ineffectiveness of government in
6 Pakistan create opportunities for Islamist recruit-
7 ment.

8 (3) The poor quality of education in Pakistan
9 is particularly worrying, as millions of families send
10 their children to madrassahs, some of which have
11 been used as incubators for violent extremism.

12 (4) The vast unpoliced regions in Pakistan
13 make the country attractive to extremists seeking
14 refuge and recruits and also provide a base for oper-
15 ations against coalition forces in Afghanistan.

16 (5) A stable Pakistan, with a government advo-
17 cating “enlightened moderation” in the Muslim
18 world, is critical to stability in the region.

19 (6) There is a widespread belief among the peo-
20 ple of Pakistan that the United States has long
21 treated them as allies of convenience.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the United States should make a long-term
25 commitment to assisting in ensuring a promising,

1 stable, and secure future in Pakistan, as long as its
2 leaders remain committed to combatting extremists
3 and implementing a strategy of “enlightened mod-
4 eration”;

5 (2) the United States aid to Pakistan should be
6 fulsome and, at a minimum, sustained at the fiscal
7 year 2004 levels;

8 (3) the United States should support the Gov-
9 ernment of Pakistan with a comprehensive effort
10 that extends from military aid to support for better
11 education; and

12 (4) the United States Government should de-
13 vote particular attention and resources to assisting
14 in the improvement of the quality of education in
15 Pakistan.

16 (c) REPORT ON SUPPORT FOR PAKISTAN.—

17 (1) REPORT REQUIRED.—Not later than 180
18 days after the date of the enactment of this Act, the
19 President shall submit to Congress a report on the
20 efforts of the United States Government to support
21 Pakistan and encourage moderation in that country.

22 (2) CONTENT.—The report required under this
23 section shall include the following:

24 (A) An examination of the desirability of
25 establishing a Pakistan Education Fund to di-

1 rect resources toward improving the quality of
2 secondary schools in Pakistan.

3 (B) Recommendations on the funding nec-
4 essary to provide various levels of educational
5 support.

6 (C) An examination of the current com-
7 position and levels of United States military aid
8 to Pakistan, together with any recommenda-
9 tions for changes in such levels and composition
10 that the President considers appropriate.

11 (D) An examination of other major types
12 of United States financial support to Pakistan,
13 together with any recommendations for changes
14 in the levels and composition of such support
15 that the President considers appropriate.

16 **SEC. 503. AID TO AFGHANISTAN.**

17 (a) FINDINGS.—Consistent with the report of the Na-
18 tional Commission on Terrorist Attacks Upon the United
19 States, Congress makes the following findings:

20 (1) The United States and its allies in the
21 international community have made progress in pro-
22 moting economic and political reform within Afghan-
23 istan, including the establishment of a central gov-
24 ernment with a democratic constitution, a new cur-
25 rency, and a new army, the increase of personal

1 freedom, and the elevation of the standard of living
2 of many Afghans.

3 (2) A number of significant obstacles must be
4 overcome if Afghanistan is to become a secure and
5 prosperous democracy, and such a transition de-
6 pends in particular upon—

7 (A) improving security throughout the
8 country;

9 (B) disarming and demobilizing militias;

10 (C) curtailing the rule of the warlords;

11 (D) promoting equitable economic develop-
12 ment;

13 (E) protecting the human rights of the
14 people of Afghanistan;

15 (F) holding elections for public office; and

16 (G) ending the cultivation and trafficking
17 of narcotics.

18 (3) The United States and the international
19 community must make a long-term commitment to
20 addressing the deteriorating security situation in Af-
21 ghanistan and the burgeoning narcotics trade, en-
22 demic poverty, and other serious problems in Af-
23 ghanistan in order to prevent that country from re-
24 lapsing into a sanctuary for international terrorism.

1 (b) POLICY.—It shall be the policy of the United
2 States to take the following actions with respect to Af-
3 ghanistan:

4 (1) Working with other nations to obtain long-
5 term security, political, and financial commitments
6 and fulfillment of pledges to the Government of Af-
7 ghanistan to accomplish the objectives of the Af-
8 ghanistan Freedom Support Act of 2002 (22 U.S.C.
9 7501 et seq.), especially to ensure a secure, demo-
10 cratic, and prosperous Afghanistan that respects the
11 rights of its citizens and is free of international ter-
12 rorist organizations.

13 (2) Using the voice and vote of the United
14 States in relevant international organizations, in-
15 cluding the North Atlantic Treaty Organization and
16 the United Nations Security Council, to strengthen
17 international commitments to assist the Government
18 of Afghanistan in enhancing security, building na-
19 tional police and military forces, increasing counter-
20 narcotics efforts, and expanding infrastructure and
21 public services throughout the country.

22 (3) Taking appropriate steps to increase the as-
23 sistance provided under programs of the Department
24 of State and the United States Agency for Inter-
25 national Development throughout Afghanistan and

1 to increase the number of personnel of those agen-
2 cies in Afghanistan as necessary to support the in-
3 creased assistance.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) FISCAL YEAR 2005.—There are authorized
6 to be appropriated to the President for fiscal year
7 2005 for assistance for Afghanistan, in addition to
8 any amounts otherwise available for the following
9 purposes, the following amounts:

10 (A) For Development Assistance to carry
11 out the provisions of sections 103, 105, and
12 106 of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2151a, 2151c, and 2151d),
14 \$400,000,000.

15 (B) For the Child Survival and Health
16 Program Fund to carry out the provisions of
17 section 104 of the Foreign Assistance Act of
18 1961 (22 U.S.C. 2151b), \$100,000,000.

19 (C) For the Economic Support Fund to
20 carry out the provisions of chapter 4 of part II
21 of the Foreign Assistance Act of 1961 (22
22 U.S.C. 2346 et seq.), \$550,000,000.

23 (D) For International Narcotics and Law
24 Enforcement to carry out the provisions of sec-

1 tion 481 of the Foreign Assistance Act of 1961
2 (22 U.S.C. 2291), \$360,000,000.

3 (E) For Nonproliferation, Anti-Terrorism,
4 Demining, and Related Programs, \$50,000,000.

5 (F) For International Military Education
6 and Training to carry out the provisions of sec-
7 tion 541 of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2347), \$2,000,000.

9 (G) For Foreign Military Financing Pro-
10 gram grants to carry of the provision of section
11 23 of the Arms Export Control Act (22 U.S.C.
12 2763), \$880,000,000.

13 (H) For Peacekeeping Operations to carry
14 out the provisions of section 551 of the Foreign
15 Assistance Act of 1961 (22 U.S.C. 2348),
16 \$60,000,000.

17 (2) FISCAL YEARS 2006 THROUGH 2009.—There
18 are authorized to be appropriated to the President
19 for each of fiscal years 2006 through 2009 such
20 sums as may be necessary for financial and other as-
21 sistance to Afghanistan.

22 (3) CONDITIONS FOR ASSISTANCE.—Assistance
23 provided by the President under this subsection—

24 (A) shall be consistent with the Afghani-
25 stan Freedom Support Act of 2002; and

1 (B) shall be provided with reference to the
2 “Securing Afghanistan’s Future” document
3 published by the Government of Afghanistan.

4 (d) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that Congress should, in consultation with the Presi-
6 dent, update and revise, as appropriate, the Afghanistan
7 Freedom Support Act of 2002.

8 (e) STRATEGY AND SUPPORT REGARDING UNITED
9 STATES AID TO AFGHANISTAN.—

10 (1) REQUIREMENT FOR STRATEGY.—Not later
11 than 180 days after the date of the enactment of
12 this Act, the President shall submit to Congress a
13 5-year strategy for providing aid to Afghanistan.

14 (2) CONTENT.—The strategy required under
15 paragraph (1) shall describe the resources that will
16 be needed during the next 5 years to achieve specific
17 objectives in Afghanistan, including in the following
18 areas:

19 (A) Fostering economic development.

20 (B) Curtailing the cultivation of opium.

21 (C) Achieving internal security and sta-
22 bility.

23 (D) Eliminating terrorist sanctuaries.

24 (E) Increasing governmental capabilities.

1 (F) Improving essential infrastructure and
2 public services.

3 (G) Improving public health services.

4 (H) Establishing a broad-based edu-
5 cational system.

6 (I) Promoting democracy and the rule of
7 law.

8 (J) Building national police and military
9 forces.

10 (3) UPDATES.—Beginning not later than 1 year
11 after the strategy is submitted to Congress under
12 paragraph (1), the President shall submit to Con-
13 gress an annual report—

14 (A) updating the progress made toward
15 achieving the goals outlined in the strategy
16 under this subsection; and

17 (B) identifying shortfalls in meeting those
18 goals and the resources needed to fully achieve
19 them.

20 **SEC. 504. THE UNITED STATES-SAUDI ARABIA RELATION-**
21 **SHIP.**

22 (a) FINDINGS.—Consistent with the report of the Na-
23 tional Commission on Terrorist Attacks Upon the United
24 States, Congress makes the following findings:

1 (1) Despite a long history of friendly relations
2 with the United States, Saudi Arabia has been a
3 problematic ally in combating Islamic extremism.

4 (2) Cooperation between the Governments of
5 the United States and Saudi Arabia has traditionally
6 been carried out in private.

7 (3) The Government of Saudi Arabia has not
8 always responded promptly and fully to United
9 States requests for assistance in the global war on
10 Islamist terrorism.

11 (4) Counterterrorism cooperation between the
12 Governments of the United States and Saudi Arabia
13 has improved significantly since the terrorist bomb-
14 ing attacks in Riyadh, Saudi Arabia, on May 12,
15 2003.

16 (5) The Government of Saudi Arabia is now ag-
17 gressively pursuing al Qaeda and appears to be act-
18 ing to build a domestic consensus for some internal
19 reforms.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) the problems in the relationship between the
23 United States and Saudi Arabia must be confronted
24 openly, and the opportunities for cooperation be-

1 tween the countries must be pursued openly by those
2 governments;

3 (2) both governments must build a relationship
4 that they can publicly defend and that is based on
5 other national interests in addition to their national
6 interests in oil;

7 (3) this relationship should include a shared
8 commitment to political and economic reform in
9 Saudi Arabia; and

10 (4) this relationship should also include a
11 shared interest in greater tolerance and respect for
12 other cultures in Saudi Arabia and a commitment to
13 fight the violent extremists who foment hatred in the
14 Middle East.

15 (c) REPORT.—

16 (1) REPORT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 President shall submit to Congress a strategy for ex-
19 panding collaboration with the Government of Saudi
20 Arabia on subjects of mutual interest and of impor-
21 tance to the United States.

22 (2) SCOPE.—As part of this strategy, the Presi-
23 dent shall consider the utility of undertaking a peri-
24 odic, formal, and visible high-level dialogue between
25 senior United States Government officials of cabinet

1 level or higher rank and their counterparts in the
2 Government of Saudi Arabia to address challenges
3 in the relationship between the 2 governments and
4 to identify areas and mechanisms for cooperation.

5 (3) CONTENT.—The strategy under this sub-
6 section shall encompass—

7 (A) intelligence and security cooperation in
8 the fight against Islamist terrorism;

9 (B) ways to advance the Middle East peace
10 process;

11 (C) political and economic reform in Saudi
12 Arabia and throughout the Middle East; and

13 (D) the promotion of greater tolerance and
14 respect for cultural and religious diversity in
15 Saudi Arabia and throughout the Middle East.

16 **SEC. 505. EFFORTS TO COMBAT ISLAMIC TERRORISM BY**
17 **ENGAGING IN THE STRUGGLE OF IDEAS IN**
18 **THE ISLAMIC WORLD.**

19 (a) FINDINGS.—Consistent with the report of the Na-
20 tional Commission on Terrorist Attacks Upon the United
21 States, Congress makes the following findings:

22 (1) While support for the United States has
23 plummeted in the Islamic world, many negative
24 views are uninformed, at best, and, at worst, are in-
25 formed by coarse stereotypes and caricatures.

1 (2) Local newspapers in Islamic countries and
2 influential broadcasters who reach Islamic audiences
3 through satellite television often reinforce the idea
4 that the people and Government of the United
5 States are anti-Muslim.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the Government of the United States should
9 offer an example of moral leadership in the world
10 that includes a commitment to treat all people hu-
11 manely, abide by the rule of law, and be generous
12 and caring to the people and governments of other
13 countries;

14 (2) the United States should cooperate with
15 governments of Islamic countries to foster agree-
16 ment on respect for human dignity and opportunity,
17 and to offer a vision of a better future that includes
18 stressing life over death, individual educational and
19 economic opportunity, widespread political participa-
20 tion, contempt for indiscriminate violence, respect
21 for the rule of law, openness in discussing dif-
22 ferences, and tolerance for opposing points of view;

23 (3) the United States should encourage reform,
24 freedom, democracy, and opportunity for Arabs and

1 Muslims and promote moderation in the Islamic
2 world; and

3 (4) the United States should work to defeat ex-
4 tremist ideology in the Islamic world by providing
5 assistance to moderate Arabs and Muslims to com-
6 bat extremist ideas.

7 (c) REPORT ON THE STRUGGLE OF IDEAS IN THE
8 ISLAMIC WORLD.—

9 (1) REPORT REQUIRED.—Not later than 180
10 days after the date of the enactment of this Act, the
11 President shall submit to Congress a report that
12 contains a cohesive long-term strategy for the
13 United States Government to help win the struggle
14 of ideas in the Islamic world.

15 (2) CONTENT.—The report required under this
16 section shall include the following:

17 (A) A description of specific goals related
18 to winning this struggle of ideas.

19 (B) A description of the range of tools
20 available to the United States Government to
21 accomplish these goals and the manner in which
22 such tools will be employed.

23 (C) A list of benchmarks for measuring
24 success and a plan for linking resources to the
25 accomplishment of these goals.

1 (D) A description of any additional re-
2 sources that may be necessary to help win this
3 struggle of ideas.

4 (E) Any recommendations for the creation
5 of, and United States participation in, inter-
6 national institutions for the promotion of de-
7 mocracy and economic diversification in the Is-
8 lamic world, and intra-regional trade in the
9 Middle East.

10 (F) An estimate of the level of United
11 States financial assistance that would be suffi-
12 cient to convince United States allies and peo-
13 ple in the Islamic world that engaging in the
14 struggle of ideas in the Islamic world is a top
15 priority of the United States and that the
16 United States intends to make a substantial
17 and sustained commitment toward winning this
18 struggle.

19 **SEC. 506. UNITED STATES POLICY TOWARD DICTATOR-**
20 **SHIPS.**

21 (a) FINDING.—Consistent with the report of the Na-
22 tional Commission on Terrorist Attacks Upon the United
23 States, Congress finds that short-term gains enjoyed by
24 the United States through cooperation with the world's
25 most repressive and brutal governments are too often out-

1 weighed by long-term setbacks for the stature and inter-
2 ests of the United States.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) United States foreign policy should promote
6 the value of life and the importance of individual
7 educational and economic opportunity, encourage
8 widespread political participation, condemn indis-
9 criminate violence, and promote respect for the rule
10 of law, openness in discussing differences among
11 people, and tolerance for opposing points of view;
12 and

13 (2) the United States Government must prevail
14 upon the governments of all predominantly Muslim
15 countries, including those that are friends and allies
16 of the United States, to condemn indiscriminate vio-
17 lence, promote the value of life, respect and promote
18 the principles of individual education and economic
19 opportunity, encourage widespread political partici-
20 pation, and promote the rule of law, openness in dis-
21 cussing differences among people, and tolerance for
22 opposing points of view.

1 **SEC. 507. PROMOTION OF UNITED STATES VALUES**
2 **THROUGH BROADCAST MEDIA.**

3 (a) FINDINGS.—Consistent with the report of the Na-
4 tional Commission on Terrorist Attacks Upon the United
5 States, Congress makes the following findings:

6 (1) Although the United States has dem-
7 onstrated and promoted its values in defending Mus-
8 lims against tyrants and criminals in Somalia, Bos-
9 nia, Kosovo, Afghanistan, and Iraq, this message is
10 not always clearly presented in the Islamic world.

11 (2) If the United States does not act to vigor-
12 ously define its message in the Islamic world, the
13 image of the United States will be defined by Is-
14 lamic extremists who seek to demonize the United
15 States.

16 (3) Recognizing that many Arab and Muslim
17 audiences rely on satellite television and radio, the
18 United States Government has launched promising
19 initiatives in television and radio broadcasting to the
20 Arab world, Iran, and Afghanistan.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the United States must do more to defend
24 and promote its values and ideals to the broadest
25 possible audience in the Islamic world;

1 (2) United States efforts to defend and promote
2 these values and ideals are beginning to ensure that
3 accurate expressions of these values reach large au-
4 diences in the Islamic world and should be robustly
5 supported;

6 (3) the United States Government could and
7 should do more to engage the Muslim world in the
8 struggle of ideas; and

9 (4) the United States Government should more
10 intensively employ existing broadcast media in the
11 Islamic world as part of this engagement.

12 (c) REPORT ON OUTREACH STRATEGY.—

13 (1) REPORT REQUIRED.—Not later than 180
14 days after the date of the enactment of this Act, the
15 President shall submit to Congress a report on the
16 strategy of the United States Government for ex-
17 panding its outreach to foreign Muslim audiences
18 through broadcast media.

19 (2) CONTENT.—The report shall include the
20 following:

21 (A) The initiatives of the Broadcasting
22 Board of Governors and the public diplomacy
23 activities of the Department of State with re-
24 spect to outreach to foreign Muslim audiences.

1 (B) An outline of recommended actions
2 that the United States Government should take
3 to more regularly and comprehensively present
4 a United States point of view through indige-
5 nous broadcast media in countries with sizable
6 Muslim populations, including increasing ap-
7 pearances by United States Government offi-
8 cials, experts, and citizens.

9 (C) An assessment of potential incentives
10 for, and costs associated with, encouraging
11 United States broadcasters to dub or subtitle
12 into Arabic and other relevant languages their
13 news and public affairs programs broadcast in
14 the Muslim world in order to present those pro-
15 grams to a much broader Muslim audience than
16 is currently reached.

17 (D) Any recommendations the President
18 may have for additional funding and legislation
19 necessary to achieve the objectives of the strat-
20 egy.

21 (d) AUTHORIZATIONS OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the President to carry
23 out United States Government broadcasting activities
24 under the United States Information and Educational Ex-
25 change Act of 1948 (22 U.S.C. 1431 et seq.), the United

1 States International Broadcasting Act of 1994 (22 U.S.C.
 2 6201 et seq.), and the Foreign Affairs Reform and Re-
 3 structuring Act of 1998 (22 U.S.C. 6501 et seq.), and to
 4 carry out other activities under this section consistent with
 5 the purposes of such Acts, the following amounts:

6 (1) INTERNATIONAL BROADCASTING OPER-
 7 ATIONS.—For International Broadcasting Oper-
 8 ations—

9 (A) \$717,160,000 for fiscal year 2005; and

10 (B) such sums as may be necessary for
 11 each of the fiscal years 2006 through 2009.

12 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
 13 For Broadcasting Capital Improvements—

14 (A) \$11,040,000 for fiscal year 2005; and

15 (B) such sums as may be necessary for
 16 each of the fiscal years 2006 through 2009.

17 **SEC. 508. USE OF UNITED STATES SCHOLARSHIP AND EX-**
 18 **CHANGE PROGRAMS IN THE ISLAMIC WORLD.**

19 (a) FINDINGS.—Consistent with the report of the Na-
 20 tional Commission on Terrorist Attacks Upon the United
 21 States, Congress makes the following findings:

22 (1) Exchange, scholarship, and library pro-
 23 grams are effective ways for the United States Gov-
 24 ernment to promote internationally the values and
 25 ideals of the United States.

1 (2) Exchange, scholarship, and library pro-
2 grams can expose young people from other countries
3 to United States values and offer them knowledge
4 and hope.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the United States should expand its exchange,
7 scholarship, and library programs, especially those that
8 benefit people in the Arab and Muslim worlds.

9 (c) DEFINITIONS.—In this section:

10 (1) ELIGIBLE COUNTRY.—The term “eligible
11 country” means a country or entity in Africa, the
12 Middle East, Central Asia, South Asia, or Southeast
13 Asia that—

14 (A) has a sizable Muslim population; and

15 (B) is designated by the Secretary of State
16 as eligible to participate in programs under this
17 section.

18 (2) SECRETARY.—Except as otherwise specifi-
19 cally provided, the term “Secretary” means the Sec-
20 retary of State.

21 (3) UNITED STATES ENTITY.—The term
22 “United States entity” means an entity that is orga-
23 nized under the laws of the United States, any
24 State, the District of Columbia, the Commonwealth
25 of Puerto Rico, Guam, the United States Virgin Is-

1 lands, the Commonwealth of the Northern Mariana
 2 Islands, American Samoa, or any other territory or
 3 possession of the United States.

4 (4) UNITED STATES SPONSORING ORGANIZA-
 5 TION.—The term “United States sponsoring organi-
 6 zation” means a nongovernmental organization that
 7 is—

8 (A) based in the United States; and

9 (B) controlled by a citizen of the United
 10 States or a United States entity that is des-
 11 ignated by the Secretary, pursuant to regula-
 12 tions, to carry out a program authorized by
 13 subsection (e).

14 (d) EXPANSION OF EDUCATIONAL AND CULTURAL
 15 EXCHANGES.—

16 (1) PURPOSE.—The purpose of this subsection
 17 is to provide for the expansion of international edu-
 18 cational and cultural exchange programs between
 19 the United States and eligible countries.

20 (2) SPECIFIC PROGRAMS.—In carrying out this
 21 subsection, the Secretary is authorized to conduct or
 22 initiate programs in eligible countries as follows:

23 (A) FULBRIGHT EXCHANGE PROGRAM.—

24 (i) INCREASED NUMBER OF
 25 AWARDS.—The Secretary is authorized to

1 substantially increase the number of
2 awards under the J. William Fulbright
3 Educational Exchange Program.

4 (ii) INTERNATIONAL SUPPORT FOR
5 FULBRIGHT PROGRAM.—The Secretary
6 shall work to increase support for the J.
7 William Fulbright Educational Exchange
8 Program in eligible countries in order to
9 enhance academic and scholarly exchanges
10 with those countries.

11 (B) HUBERT H. HUMPHREY FELLOW-
12 SHIPS.—The Secretary is authorized to sub-
13 stantially increase the number of Hubert H.
14 Humphrey Fellowships awarded to candidates
15 from eligible countries.

16 (C) SISTER INSTITUTIONS PROGRAMS.—
17 The Secretary is authorized to facilitate the es-
18 tablishment of sister institution programs be-
19 tween cities and municipalities and other insti-
20 tutions in the United States and in eligible
21 countries in order to enhance mutual under-
22 standing at the community level.

23 (D) LIBRARY TRAINING EXCHANGES.—The
24 Secretary is authorized to develop a demonstra-
25 tion program, including training in the library

1 sciences, to assist governments in eligible coun-
2 tries to establish or upgrade the public library
3 systems of such countries for the purpose of im-
4 proving literacy.

5 (E) INTERNATIONAL VISITORS PRO-
6 GRAM.—The Secretary is authorized to expand
7 the number of participants from eligible coun-
8 tries in the International Visitors Program.

9 (F) YOUTH AMBASSADORS.—

10 (i) IN GENERAL.—The Secretary is
11 authorized to establish a youth ambas-
12 sadors program for visits by middle and
13 secondary school students from eligible
14 countries to the United States to partici-
15 pate in activities, including cultural and
16 educational activities, that are designed to
17 familiarize participating students with
18 United States society and values.

19 (ii) VISITS.—The visits of students
20 who are participating in the youth ambas-
21 sador program under clause (i) shall be
22 scheduled during the school holidays in the
23 home countries of the students and may
24 not exceed 4 weeks.

1 (iii) CRITERIA.—Students selected to
2 participate in the youth ambassador pro-
3 gram shall reflect the economic and geo-
4 graphic diversity of eligible countries.

5 (G) EDUCATION REFORM.—The Secretary
6 is authorized—

7 (i) to expand programs that seek to
8 improve the quality of primary and sec-
9 ondary school systems in eligible countries;
10 and

11 (ii) in order to foster understanding of
12 the United States, to promote civic edu-
13 cation through teacher exchanges, teacher
14 training, textbook modernization, and
15 other efforts.

16 (H) PROMOTION OF RELIGIOUS FREE-
17 DOM.—The Secretary is authorized to establish
18 a program to promote dialogue and exchange
19 among leaders and scholars of all faiths from
20 the United States and eligible countries.

21 (I) BRIDGING THE DIGITAL DIVIDE.—The
22 Secretary is authorized to establish a program
23 to help foster access to information technology
24 among underserved populations and by civil so-
25 ciety groups in eligible countries.

1 (J) PEOPLE-TO-PEOPLE DIPLOMACY.—The
2 Secretary is authorized to expand efforts to
3 promote United States public diplomaey inter-
4 ests in eligible countries through cultural, arts,
5 entertainment, sports and other exchanges.

6 (K) COLLEGE SCHOLARSHIPS.—

7 (i) IN GENERAL.—The Secretary is
8 authorized to establish a program to offer
9 scholarships to permit individuals to attend
10 eligible colleges and universities.

11 (ii) ELIGIBILITY FOR PROGRAM.—To
12 be eligible for the scholarship program, an
13 individual shall be a citizen or resident of
14 an eligible country who has graduated
15 from a secondary school in an eligible
16 country.

17 (iii) ELIGIBLE COLLEGE OR UNIVER-
18 SITY DEFINED.—In this subparagraph, the
19 term “eligible college or university” means
20 a college or university that is organized
21 under the laws of the United States, a
22 State, or the District of Columbia, accred-
23 ited by an accrediting agency recognized by
24 the Secretary of Education, and primarily

1 located in, but not controlled by, an eligible
2 country.

3 (L) LANGUAGE TRAINING PROGRAM.—The
4 Secretary is authorized to provide travel and
5 subsistence funding for students who are
6 United States citizens to travel to eligible coun-
7 tries to participate in immersion training pro-
8 grams in languages used in such countries and
9 to develop regulations governing the provision
10 of such funding.

11 (e) SECONDARY SCHOOL EXCHANGE PROGRAM.—

12 (1) IN GENERAL.—The Secretary is authorized
13 to establish an international exchange visitor pro-
14 gram, modeled on the Future Leaders Exchange
15 Program established under the FREEDOM Support
16 Act (22 U.S.C. 5801 et seq.), for eligible students
17 to—

18 (A) attend public secondary school in the
19 United States;

20 (B) live with a host family in the United
21 States; and

22 (C) participate in activities designed to
23 promote a greater understanding of United
24 States and Islamic values and culture.

1 (2) ELIGIBLE STUDENT DEFINED.—In this sub-
2 section, the term “eligible student” means an indi-
3 vidual who—

4 (A) is a national of an eligible country;

5 (B) is at least 15 years of age but not
6 more than 18 years and 6 months of age at the
7 time of enrollment in the program;

8 (C) is enrolled in a secondary school in an
9 eligible country;

10 (D) has completed not more than 11 years
11 of primary and secondary education, exclusive
12 of kindergarten;

13 (E) demonstrates maturity, good char-
14 acter, and scholastic aptitude, and has the pro-
15 ficiency in the English language necessary to
16 participate in the program;

17 (F) has not previously participated in an
18 exchange program in the United States spon-
19 sored by the Government of the United States;
20 and

21 (G) is not prohibited from entering the
22 United States under any provision of the Immi-
23 gration and Nationality Act (8 U.S.C. 1101 et
24 seq.) or any other provision of law related to
25 immigration and nationality.

1 (3) COMPLIANCE WITH VISA REQUIREMENTS.—

2 An eligible student may not participate in the ex-
3 change visitor program authorized by paragraph (1)
4 unless the eligible student has the status of non-
5 immigrant under section 101(a)(15)(J) of the Immi-
6 gration and Nationality Act (8 U.S.C.
7 1101(a)(15)(J)).

8 (4) BROAD PARTICIPATION.—Whenever appro-
9 priate, the Secretary shall make special provisions to
10 ensure the broadest possible participation in the ex-
11 change visitor program authorized by paragraph (1),
12 particularly among females and less advantaged citi-
13 zens of eligible countries.

14 (5) DESIGNATED EXCHANGE VISITOR PRO-
15 GRAM.—The exchange visitor program authorized by
16 paragraph (1) shall be a designated exchange visitor
17 program for the purposes of section 641 of the Ille-
18 gal Immigration Reform and Immigrant Responsi-
19 bility Act of 1996 (8 U.S.C. 1372).

20 (6) REGULAR REPORTING TO THE SEC-
21 RETARY.—If the Secretary utilizes a United States
22 sponsoring organization to carry out the exchange
23 visitor program authorized by paragraph (1), such
24 United States sponsoring organization shall report

1 regularly to the Secretary on the progress it has
2 made to implement such program.

3 (f) REPORT ON EXPEDITING VISAS FOR PARTICI-
4 PANTS IN EXCHANGE, SCHOLARSHIP, AND VISITORS PRO-
5 GRAMS.—

6 (1) REQUIREMENT.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary and the Secretary of Homeland Security shall
9 submit to Congress a report on expediting the
10 issuance of visas to individuals who are entering the
11 United States for the purpose of participating in a
12 scholarship, exchange, or visitor program authorized
13 in subsection (d) or (e) without compromising the
14 security of the United States.

15 (2) RECOMMENDATIONS.—The report required
16 by paragraph (1) shall include—

17 (A) the recommendations of the Secretary
18 and the Secretary of Homeland Security, if any,
19 for methods to expedite the processing of re-
20 quests for such visas; and

21 (B) a proposed schedule for implementing
22 any recommendations described in subpara-
23 graph (A).

24 (g) AUTHORIZATION OF APPROPRIATIONS.—Of the
25 amounts authorized to be appropriated for educational

1 and cultural exchange programs for fiscal year 2005, there
2 is authorized to be appropriated to the Department of
3 State \$60,000,000 to carry out programs under this sec-
4 tion.

5 **SEC. 509. INTERNATIONAL YOUTH OPPORTUNITY FUND.**

6 (a) FINDINGS.—Consistent with the report of the Na-
7 tional Commission on Terrorist Attacks Upon the United
8 States, Congress makes the following findings:

9 (1) Education that teaches tolerance, the dig-
10 nity and value of each individual, and respect for
11 different beliefs is a key element in any global strat-
12 egy to eliminate Islamist terrorism.

13 (2) Education in the Middle East about the
14 world outside that region is weak.

15 (3) The United Nations has rightly equated lit-
16 eracy with freedom.

17 (4) The international community is moving to-
18 ward setting a concrete goal of reducing by half the
19 illiteracy rate in the Middle East by 2010, through
20 the implementation of education programs targeting
21 women and girls and programs for adult literacy,
22 and by other means.

23 (5) To be effective, the effort to improve edu-
24 cation in the Middle East must also include—

1 (A) support for the provision of basic edu-
2 cation tools, such as textbooks that translate
3 more of the world’s knowledge into local lan-
4 guages and local libraries to house such mate-
5 rials; and

6 (B) more vocational education in trades
7 and business skills.

8 (6) The Middle East can benefit from some of
9 the same programs to bridge the digital divide that
10 already have been developed for other regions of the
11 world.

12 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—

13 (1) ESTABLISHMENT.—

14 (A) IN GENERAL.—The President shall es-
15 tablish an International Youth Opportunity
16 Fund (hereafter in this section referred to as
17 the “Fund”).

18 (B) INTERNATIONAL PARTICIPATION.—

19 The President shall seek the cooperation of the
20 international community in establishing and
21 generously supporting the Fund.

22 (2) PURPOSE.—The purpose of the Fund shall
23 be to provide financial assistance for the improve-
24 ment of public education in the Middle East, includ-
25 ing assistance for the construction and operation of

1 primary and secondary schools in countries that
2 have a sizable Muslim population and that commit
3 to sensibly investing their own financial resources in
4 public education.

5 (3) ELIGIBILITY FOR ASSISTANCE.—

6 (A) DETERMINATION.—The Secretary of
7 State, in coordination with the Administrator of
8 the United States Agency for International De-
9 velopment, shall determine which countries are
10 eligible for assistance through the Fund.

11 (B) CRITERIA.—In determining whether a
12 country is eligible for assistance, the Secretary
13 shall consider whether the government of that
14 country is sensibly investing financial resources
15 in public education and is committed to pro-
16 moting a system of education that teaches toler-
17 ance, the dignity and value of each individual,
18 and respect for different beliefs.

19 (4) USE OF FUNDS.—Financial assistance pro-
20 vided through the Fund shall be used for expanding
21 literacy programs, providing textbooks, reducing the
22 digital divide, expanding vocational and business
23 education, constructing and operating public schools,
24 establishing local libraries, training teachers in mod-
25 ern education techniques, and promoting public edu-

1 cation that teaches tolerance, the dignity and value
2 of each individual, and respect for different beliefs.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, and an-
6 nually thereafter, the Secretary of State and the Ad-
7 ministrator of the United States Agency for Inter-
8 national Development shall jointly prepare and sub-
9 mit to Congress a report on the improvement of edu-
10 cation in the Middle East.

11 (2) CONTENT.—Reports submitted under this
12 subsection shall include the following:

13 (A) A general strategy for working with el-
14 igible host governments in the Middle East to-
15 ward establishing the International Youth Op-
16 portunity Fund and related programs.

17 (B) A listing of countries that are eligible
18 for assistance under such programs.

19 (C) A description of the specific programs
20 initiated in each eligible country and the
21 amount expended in support of such programs.

22 (D) A description of activities undertaken
23 to close the digital divide and expand vocational
24 and business skills in eligible countries.

1 (E) A listing of activities that could be un-
2 dertaken if additional funding were provided
3 and the amount of funding that would be nec-
4 essary to carry out such activities.

5 (F) A strategy for garnering programmatic
6 and financial support from international organi-
7 zations and other countries in support of the
8 Fund and activities related to the improvement
9 of public education in eligible countries.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the President for the
12 establishment of the International Youth Opportunity
13 Fund, in addition to any amounts otherwise available for
14 such purpose, \$40,000,000 for fiscal year 2005 and such
15 sums as may be necessary for fiscal years 2006 through
16 2009.

17 **SEC. 510. REPORT ON THE USE OF ECONOMIC POLICIES TO**
18 **COMBAT TERRORISM.**

19 (a) FINDINGS.—Consistent with the report of the Na-
20 tional Commission on Terrorist Attacks Upon the United
21 States, Congress makes the following findings:

22 (1) While terrorism is not caused by poverty,
23 breeding grounds for terrorism are created by back-
24 ward economic policies and repressive political re-
25 gimes.

1 (2) Policies that support economic development
2 and reform also have political implications, as eco-
3 nomic and political liberties are often linked.

4 (3) The United States is working toward cre-
5 ating a Middle East Free Trade Area by 2013 and
6 implementing a free trade agreement with Bahrain,
7 and free trade agreements exist between the United
8 States and Israel and the United States and Jordan.

9 (4) Existing and proposed free trade agree-
10 ments between the United States and Islamic coun-
11 tries are drawing interest from other countries in
12 the Middle East region, and Islamic countries can
13 become full participants in the rules-based global
14 trading system, as the United States considers low-
15 ering its barriers to trade with the poorest Arab
16 countries.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) a comprehensive United States strategy to
20 counter terrorism should include economic policies
21 that encourage development, open societies, and op-
22 portunities for people to improve the lives of their
23 families and to enhance prospects for their children's
24 future;

1 (2) 1 element of such a strategy should encom-
2 pass the lowering of trade barriers with the poorest
3 countries that have a significant population of Arab
4 or Muslim individuals;

5 (3) another element of such a strategy should
6 encompass United States efforts to promote eco-
7 nomic reform in countries that have a significant
8 population of Arab or Muslim individuals, including
9 efforts to integrate such countries into the global
10 trading system; and

11 (4) given the importance of the rule of law in
12 promoting economic development and attracting in-
13 vestment, the United States should devote an in-
14 creased proportion of its assistance to countries in
15 the Middle East to the promotion of the rule of law.

16 (c) REPORT.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the
19 President shall submit to Congress a report on the
20 efforts of the United States Government to encour-
21 age development and promote economic reform in
22 countries that have a significant population of Arab
23 or Muslim individuals.

24 (2) CONTENT.—The report required under this
25 subsection shall describe—

1 (A) efforts to integrate countries with sig-
2 nificant populations of Arab or Muslim individ-
3 uals into the global trading system; and

4 (B) actions that the United States Govern-
5 ment, acting alone and in partnership with
6 other governments in the Middle East, can take
7 to promote intra-regional trade and the rule of
8 law in the region.

9 **SEC. 511. MIDDLE EAST PARTNERSHIP INITIATIVE.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated for fiscal year 2005
12 \$200,000,000 for the Middle East Partnership Initiative.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that, given the importance of the rule of law and
15 economic reform to development in the Middle East, a sig-
16 nificant portion of the funds authorized to be appropriated
17 under subsection (a) should be made available to promote
18 the rule of law in the Middle East.

19 **SEC. 512. COMPREHENSIVE COALITION STRATEGY FOR**
20 **FIGHTING TERRORISM.**

21 (a) FINDINGS.—Consistent with the report of the Na-
22 tional Commission on Terrorist Attacks Upon the United
23 States, Congress makes the following findings:

1 (1) Almost every aspect of the counterterrorism
2 strategy of the United States relies on international
3 cooperation.

4 (2) Since September 11, 2001, the number and
5 scope of United States Government contacts with
6 foreign governments concerning counterterrorism
7 have expanded significantly, but such contacts have
8 often been ad hoc and not integrated as a com-
9 prehensive and unified approach.

10 (b) INTERNATIONAL CONTACT GROUP ON
11 COUNTERTERRORISM.—

12 (1) SENSE OF CONGRESS.—It is the sense of
13 Congress that the President—

14 (A) should seek to engage the leaders of
15 the governments of other countries in a process
16 of advancing beyond separate and uncoordi-
17 nated national counterterrorism strategies to
18 develop with those other governments a com-
19 prehensive coalition strategy to fight Islamist
20 terrorism; and

21 (B) to that end, should seek to establish
22 an international counterterrorism policy contact
23 group with the leaders of governments pro-
24 viding leadership in global counterterrorism ef-
25 forts and governments of countries with sizable

1 Muslim populations, to be used as a ready and
2 flexible international means for discussing and
3 coordinating the development of important
4 counterterrorism policies by the participating
5 governments.

6 (2) **AUTHORITY.**—The President is authorized
7 to establish an international counterterrorism policy
8 contact group with the leaders of governments re-
9 ferred to in paragraph (1) for purposes as follows:

10 (A) To develop in common with such other
11 countries important policies and a strategy that
12 address the various components of international
13 prosecution of the war on terrorism, including
14 policies and a strategy that address military
15 issues, law enforcement, the collection, analysis,
16 and dissemination of intelligence, issues relating
17 to interdiction of travel by terrorists,
18 counterterrorism-related customs issues, finan-
19 cial issues, and issues relating to terrorist sanc-
20 tuaries.

21 (B) To address, to the extent (if any) that
22 the President and leaders of other participating
23 governments determine appropriate, such long-
24 term issues as economic and political reforms

1 that can contribute to strengthening stability
2 and security in the Middle East.

3 **SEC. 513. DETENTION AND HUMANE TREATMENT OF CAP-**
4 **TURED TERRORISTS.**

5 (a) FINDINGS.—Consistent with the report of the Na-
6 tional Commission on Terrorist Attacks Upon the United
7 States, Congress makes the following findings:

8 (1) Carrying out the global war on terrorism re-
9 quires the development of policies with respect to the
10 detention and treatment of captured international
11 terrorists that is adhered to by all coalition forces.

12 (2) Article 3 of the Convention Relative to the
13 Treatment of Prisoners of War, done at Geneva Au-
14 gust 12, 1949 (6 UST 3316) was specifically de-
15 signed for cases in which the usual rules of war do
16 not apply, and the minimum standards of treatment
17 pursuant to such Article are generally accepted
18 throughout the world as customary international
19 law.

20 (b) DEFINITIONS.—In this section:

21 (1) CRUEL, INHUMAN, OR DEGRADING TREAT-
22 MENT OR PUNISHMENT.—The term “cruel, inhuman,
23 or degrading treatment or punishment” means the
24 cruel, unusual, and inhumane treatment or punish-

1 ment prohibited by the 5th amendment, 8th amend-
2 ment, or 14th amendment to the Constitution.

3 (2) GENEVA CONVENTIONS.—The term “Gene-
4 va Conventions” means—

5 (A) the Convention for the Amelioration of
6 the Condition of the Wounded and Sick in
7 Armed Forces in the Field, done at Geneva Au-
8 gust 12, 1949 (6 UST 3114);

9 (B) the Convention for the Amelioration of
10 the Condition of the Wounded, Sick, and Ship-
11 wrecked Members of Armed Forces at Sea,
12 done at Geneva August 12, 1949 (6 UST
13 3217);

14 (C) the Convention Relative to the Treat-
15 ment of Prisoners of War, done at Geneva Au-
16 gust 12, 1949 (6 UST 3316); and

17 (D) the Convention Relative to the Protec-
18 tion of Civilian Persons in Time of War, done
19 at Geneva August 12, 1949 (6 UST 3516).

20 (3) PRISONER.—The term “prisoner” means a
21 foreign individual captured, detained, interned, or
22 otherwise held in the custody of the United States.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of Defense.

1 (5) TORTURE.—The term “torture” has the
2 meaning given that term in section 2340 of title 18,
3 United States Code.

4 (c) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the United States should engage countries
7 that are participating in the coalition to fight ter-
8 rorism to develop a common approach toward the
9 detention and humane treatment of captured inter-
10 national terrorists; and

11 (2) an approach toward the detention and hu-
12 mane treatment of captured international terrorists
13 developed by the countries participating in the coal-
14 ition to fight terrorism could draw upon Article 3 of
15 the Convention Relative to the Treatment of Pris-
16 oners of War, the principles of which are commonly
17 accepted as minimum basic standards for humane
18 treatment of captured individuals.

19 (d) POLICY.—It is the policy of the United States—

20 (1) to treat any prisoner humanely and in ac-
21 cordance with standards that the Government of the
22 United States would determine to be consistent with
23 international law if such standards were applied to
24 personnel of the United States captured by an
25 enemy in the war on terrorism;

1 (2) if there is any doubt as to whether a pris-
2 oner is entitled to the protections afforded by the
3 Geneva Conventions, to provide the prisoner such
4 protections until the status of the prisoner is deter-
5 mined under the procedures authorized by para-
6 graph 1–6 of Army Regulation 190–8 (1997); and

7 (3) to expeditiously prosecute cases of terrorism
8 or other criminal acts alleged to have been com-
9 mitted by prisoners in the custody of the United
10 States Armed Forces at Guantanamo Bay, Cuba, in
11 order to avoid the indefinite detention of such pris-
12 oners.

13 (e) PROHIBITION ON TORTURE OR CRUEL, INHUMAN,
14 OR DEGRADING TREATMENT OR PUNISHMENT.—

15 (1) IN GENERAL.—No prisoner shall be subject
16 to torture or cruel, inhuman, or degrading treatment
17 or punishment that is prohibited by the Constitu-
18 tion, laws, or treaties of the United States.

19 (2) RELATIONSHIP TO GENEVA CONVEN-
20 TIONS.—Nothing in this section shall affect the sta-
21 tus of any person under the Geneva Conventions or
22 whether any person is entitled to the protections of
23 the Geneva Conventions.

24 (f) RULES, REGULATIONS, AND GUIDELINES.—

1 (1) REQUIREMENT.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary shall prescribe the rules, regulations, or
4 guidelines necessary to ensure compliance with the
5 prohibition in subsection (e)(1) by the members of
6 the Armed Forces of the United States and by any
7 person providing services to the Department of De-
8 fense on a contract basis.

9 (2) REPORT TO CONGRESS.—The Secretary
10 shall submit to Congress the rules, regulations, or
11 guidelines prescribed under paragraph (1), and any
12 modifications to such rules, regulations, or guide-
13 lines—

14 (A) not later than 30 days after the effec-
15 tive date of such rules, regulations, guidelines,
16 or modifications; and

17 (B) in a manner and form that will protect
18 the national security interests of the United
19 States.

20 (g) REPORT ON POSSIBLE VIOLATIONS.—

21 (1) REQUIREMENT.—The Secretary shall sub-
22 mit, on a timely basis and not less than twice each
23 year, a report to Congress on the circumstances sur-
24 rounding any investigation of a possible violation of
25 the prohibition in subsection (e)(1) by a member of

1 the Armed Forces of the United States or by a per-
2 son providing services to the Department of Defense
3 on a contract basis.

4 (2) FORM OF REPORT.—A report required
5 under paragraph (1) shall be submitted in a manner
6 and form that—

7 (A) will protect the national security inter-
8 ests of the United States; and

9 (B) will not prejudice any prosecution of
10 an individual involved in, or responsible for, a
11 violation of the prohibition in subsection (e)(1).

12 (h) REPORT ON A COALITION APPROACH TOWARD
13 THE DETENTION AND HUMANE TREATMENT OF CAP-
14 TURED TERRORISTS.—Not later than 180 days after the
15 date of the enactment of this Act, the President shall sub-
16 mit to Congress a report describing the efforts of the
17 United States Government to develop an approach toward
18 the detention and humane treatment of captured inter-
19 national terrorists that will be adhered to by all countries
20 that are members of the coalition against terrorism.

21 **SEC. 514. PROLIFERATION OF WEAPONS OF MASS DE-**
22 **STRUCTION.**

23 (a) FINDINGS.—Consistent with the report of the Na-
24 tional Commission on Terrorist Attacks Upon the United
25 States, Congress makes the following findings:

1 (1) Al Qaeda has tried to acquire or make
2 weapons of mass destruction since 1994 or earlier.

3 (2) The United States doubtless would be a
4 prime target for use of any such weapon by al
5 Qaeda.

6 (3) Although the United States Government has
7 redoubled its international commitments to sup-
8 porting the programs for Cooperative Threat Reduc-
9 tion and other nonproliferation assistance programs,
10 nonproliferation experts continue to express deep
11 concern about the United States Government's com-
12 mitment and approach to securing the weapons of
13 mass destruction and related highly dangerous mate-
14 rials that are still scattered among Russia and other
15 countries of the former Soviet Union.

16 (4) The cost of increased investment in the pre-
17 vention of proliferation of weapons of mass destruc-
18 tion and related dangerous materials is greatly out-
19 weighed by the potentially catastrophic cost to the
20 United States of use of weapons of mass destruction
21 or related dangerous materials by the terrorists who
22 are so eager to acquire them.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) maximum effort to prevent the proliferation
2 of weapons of mass destruction, wherever such pro-
3 liferation may occur, is warranted; and

4 (2) the programs of the United States Govern-
5 ment to prevent or counter the proliferation of weap-
6 ons of mass destruction, including the Proliferation
7 Security Initiative, the programs for Cooperative
8 Threat Reduction, and other nonproliferation assist-
9 ance programs, should be expanded, improved, and
10 better funded to address the global dimensions of
11 the proliferation threat.

12 (c) REQUIREMENT FOR STRATEGY.—Not later than
13 180 days after the date of the enactment of this Act, the
14 President shall submit to Congress—

15 (1) a strategy for expanding and strengthening
16 the Proliferation Security Initiative, the programs
17 for Cooperative Threat Reduction, and other non-
18 proliferation assistance programs; and

19 (2) an estimate of the funding necessary to exe-
20 cute that strategy.

21 (d) REPORT ON REFORMING THE COOPERATIVE
22 THREAT REDUCTION PROGRAM AND OTHER NON-PRO-
23 LIFERATION ASSISTANCE PROGRAMS.—Not later than
24 180 days after the date of the enactment of this Act, the
25 President shall submit to Congress a report evaluating

1 whether the United States could more effectively address
2 the global threat of nuclear proliferation by—

3 (1) establishing a central coordinator for the
4 programs for Cooperative Threat Reduction;

5 (2) eliminating the requirement that the Presi-
6 dent spend no more than \$50,000,000 annually on
7 programs for Cooperative Threat Reduction and
8 other non-proliferation assistance programs carried
9 out outside the former Soviet Union; or

10 (3) repealing the provisions of the Soviet Nu-
11 clear Threat Reduction Act of 1991 (22 U.S.C.
12 2551 note) that place conditions on assistance to the
13 former Soviet Union unrelated to bilateral coopera-
14 tion on weapons dismantlement.

15 **SEC. 515. FINANCING OF TERRORISM.**

16 (a) FINDINGS.—Consistent with the report of the Na-
17 tional Commission on Terrorist Attacks Upon the United
18 States, Congress makes the following findings:

19 (1) While efforts to designate and freeze the as-
20 sets of terrorist financiers have been relatively un-
21 successful, efforts to target the relatively small num-
22 ber of al Qaeda financial facilitators have been valu-
23 able and successful.

24 (2) The death or capture of several important
25 financial facilitators has decreased the amount of

1 money available to al Qaeda, and has made it more
2 difficult for al Qaeda to raise and move money.

3 (3) The capture of al Qaeda financial
4 facilitators has provided a windfall of intelligence
5 that can be used to continue the cycle of disruption.

6 (4) The United States Government has rightly
7 recognized that information about terrorist money
8 helps in understanding terror networks, searching
9 them out, and disrupting their operations.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the primary weapon in the effort to stop
13 terrorist financing should be the targeting of ter-
14 rorist financial facilitators by intelligence and law
15 enforcement agencies; and

16 (2) efforts to track terrorist financing must be
17 paramount in United States counter-terrorism ef-
18 forts.

19 (c) REPORT ON TERRORIST FINANCING.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, the
22 President shall submit to Congress a report evalu-
23 ating the effectiveness of United States efforts to
24 curtail the international financing of terrorism.

1 (2) CONTENTS.—The report required by para-
2 graph (1) shall evaluate and make recommendations
3 on—

4 (A) the effectiveness of efforts and meth-
5 ods to track terrorist financing;

6 (B) ways to improve international govern-
7 mental cooperation in this effort;

8 (C) ways to improve performance of finan-
9 cial institutions in this effort;

10 (D) the adequacy of agency coordination in
11 this effort and ways to improve that coordina-
12 tion; and

13 (E) recommendations for changes in law
14 and additional resources required to improve
15 this effort.

16 **TITLE VI—TERRORIST TRAVEL** 17 **AND EFFECTIVE SCREENING**

18 **SEC. 601. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

19 (a) FINDINGS.—Consistent with the report of the Na-
20 tional Commission on Terrorist Attacks Upon the United
21 States, Congress makes the following findings:

22 (1) Travel documents are as important to ter-
23 rorists as weapons since terrorists must travel clan-
24 destinely to meet, train, plan, case targets, and gain
25 access to attack sites.

1 (2) International travel is dangerous for terror-
2 ists because they must surface to pass through regu-
3 lated channels, present themselves to border security
4 officials, or attempt to circumvent inspection points.

5 (3) Terrorists use evasive, but detectable, meth-
6 ods to travel, such as altered and counterfeit pass-
7 ports and visas, specific travel methods and routes,
8 liaisons with corrupt government officials, human
9 smuggling networks, supportive travel agencies, and
10 immigration and identity fraud.

11 (4) Before September 11, 2001, no Federal
12 agency systematically analyzed terrorist travel strat-
13 egies. If an agency had done so, the agency could
14 have discovered the ways in which the terrorist pred-
15 ecessors to al Qaeda had been systematically, but
16 detectably, exploiting weaknesses in our border secu-
17 rity since the early 1990s.

18 (5) Many of the hijackers were potentially vul-
19 nerable to interception by border authorities. Ana-
20 lyzing their characteristic travel documents and trav-
21 el patterns could have allowed authorities to inter-
22 cept some of the hijackers and a more effective use
23 of information available in Government databases
24 could have identified some of the hijackers.

1 (6) The routine operations of our immigration
2 laws and the aspects of those laws not specifically
3 aimed at protecting against terrorism inevitably
4 shaped al Qaeda's planning and opportunities.

5 (7) New insights into terrorist travel gained
6 since September 11, 2001, have not been adequately
7 integrated into the front lines of border security.

8 (8) The small classified terrorist travel intel-
9 ligence collection and analysis program currently in
10 place has produced useful results and should be ex-
11 panded.

12 (b) STRATEGY.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary of
15 Homeland Security shall submit to Congress unclas-
16 sified and classified versions of a strategy for com-
17 bining terrorist travel intelligence, operations, and
18 law enforcement into a cohesive effort to intercept
19 terrorists, find terrorist travel facilitators, and con-
20 strain terrorist mobility domestically and inter-
21 nationally. The report to Congress should include a
22 description of the actions taken to implement the
23 strategy.

24 (2) ACCOUNTABILITY.—The strategy submitted
25 under paragraph (1) shall—

1 (A) describe a program for collecting, ana-
2 lyzing, disseminating, and utilizing information
3 and intelligence regarding terrorist travel tac-
4 tics and methods; and

5 (B) outline which Federal intelligence, dip-
6 lomatic, and law enforcement agencies will be
7 held accountable for implementing each element
8 of the strategy.

9 (3) COORDINATION.—The strategy shall be de-
10 veloped in coordination with all relevant Federal
11 agencies, including—

12 (A) the National Counterterrorism Center;

13 (B) the Department of Transportation;

14 (C) the Department of State;

15 (D) the Department of the Treasury;

16 (E) the Department of Justice;

17 (F) the Department of Defense;

18 (G) the Federal Bureau of Investigation;

19 (H) the Drug Enforcement Agency; and

20 (I) the agencies that comprise the intel-
21 ligence community.

22 (4) CONTENTS.—The strategy shall address—

23 (A) the intelligence and law enforcement
24 collection, analysis, operations, and reporting
25 required to identify and disrupt terrorist travel

1 practices and trends, and the terrorist travel
2 facilitators, document forgers, human smug-
3 glers, travel agencies, and corrupt border and
4 transportation officials who assist terrorists;

5 (B) the initial and ongoing training and
6 training materials required by consular, border,
7 and immigration officials to effectively detect
8 and disrupt terrorist travel described under
9 subsection (c)(3);

10 (C) the new procedures required and ac-
11 tions to be taken to integrate existing
12 counterterrorist travel and mobility intelligence
13 into border security processes, including con-
14 sular, port of entry, border patrol, maritime,
15 immigration benefits, and related law enforce-
16 ment activities;

17 (D) the actions required to integrate cur-
18 rent terrorist mobility intelligence into military
19 force protection measures;

20 (E) the additional assistance to be given to
21 the interagency Human Smuggling and Traf-
22 ficking Center for purposes of combatting ter-
23 rorist travel, including further developing and
24 expanding enforcement and operational capa-
25 bilities that address terrorist travel;

1 (F) the additional resources to be given to
2 the Directorate of Information and Analysis
3 and Infrastructure Protection to aid in the
4 sharing of information between the frontline
5 border agencies of the Department of Home-
6 land Security and classified and unclassified
7 sources of counterterrorist travel intelligence
8 and information elsewhere in the Federal Gov-
9 ernment, including the Human Smuggling and
10 Trafficking Center;

11 (G) the development and implementation
12 of procedures to enable the Human Smuggling
13 and Trafficking Center to timely receive ter-
14 rorist travel intelligence and documentation ob-
15 tained at consulates and ports of entry, and by
16 law enforcement officers and military personnel;

17 (H) the use of foreign and technical assist-
18 ance to advance border security measures and
19 law enforcement operations against terrorist
20 travel facilitators;

21 (I) the development of a program to pro-
22 vide each consular, port of entry, and immigra-
23 tion benefits office with a counterterrorist travel
24 expert trained and authorized to use the rel-
25 evant authentication technologies and cleared to

1 access all appropriate immigration, law enforce-
2 ment, and intelligence databases;

3 (J) the feasibility of digitally transmitting
4 passport information to a central cadre of spe-
5 cialists until such time as experts described
6 under subparagraph (I) are available at con-
7 sular, port of entry, and immigration benefits
8 offices; and

9 (K) granting consular officers the security
10 clearances necessary to access law enforcement
11 sensitive databases.

12 (c) FRONTLINE COUNTERTERRORIST TRAVEL TECH-
13 NOLOGY AND TRAINING.—

14 (1) TECHNOLOGY ACQUISITION AND DISSEMI-
15 NATION PLAN.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary of
17 Homeland Security, in conjunction with the Sec-
18 retary of State, shall submit to Congress a plan de-
19 scribing how the Department of Homeland Security
20 and the Department of State can acquire and de-
21 ploy, to all consulates, ports of entry, and immigra-
22 tion benefits offices, technologies that facilitate doc-
23 ument authentication and the detection of potential
24 terrorist indicators on travel documents.

1 (2) CONTENTS OF PLAN.—The plan submitted
2 under paragraph (1) shall—

3 (A) outline the timetable needed to acquire
4 and deploy the authentication technologies;

5 (B) identify the resources required to—

6 (i) fully disseminate these tech-
7 nologies; and

8 (ii) train personnel on use of these
9 technologies; and

10 (C) address the feasibility of using these
11 technologies to screen every passport submitted
12 for identification purposes to a United States
13 consular, border, or immigration official.

14 (3) TRAINING PROGRAM.—

15 (A) IN GENERAL.—The Secretary of
16 Homeland Security and the Secretary of State
17 shall develop and implement an initial and an-
18 nual training program for consular, border, and
19 immigration officials to teach such officials how
20 to effectively detect and disrupt terrorist travel.
21 The Secretary may assist State, local, and trib-
22 al governments, and private industry, in estab-
23 lishing training programs related to terrorist
24 travel intelligence.

1 (B) TRAINING TOPICS.—The training de-
2 veloped under this paragraph shall include
3 training in—

4 (i) methods for identifying fraudulent
5 documents;

6 (ii) detecting terrorist indicators on
7 travel documents;

8 (iii) recognizing travel patterns, tac-
9 tics, and behaviors exhibited by terrorists;

10 (iv) the use of information contained
11 in available databases and data systems
12 and procedures to maintain the accuracy
13 and integrity of such systems; and

14 (v) other topics determined necessary
15 by the Secretary of Homeland Security and
16 the Secretary of State.

17 (C) CERTIFICATION.—Not later than 1
18 year after the date of enactment of this Act—

19 (i) the Secretary of Homeland Secu-
20 rity shall certify to Congress that all bor-
21 der and immigration officials have received
22 training under this paragraph; and

23 (ii) the Secretary of State shall certify
24 to Congress that all consular officers have
25 received training under this paragraph.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the Sec-
3 retary for each of the fiscal years 2005 through
4 2009 such sums as may be necessary to carry out
5 the provisions of this subsection.

6 (d) ENHANCING CLASSIFIED COUNTERTERRORIST
7 TRAVEL EFFORTS.—

8 (1) IN GENERAL.—The National Intelligence
9 Director shall significantly increase resources and
10 personnel to the small classified program that col-
11 lects and analyzes intelligence on terrorist travel.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 There are authorized to be appropriated for each of
14 the fiscal years 2005 through 2009 such sums as
15 may be necessary to carry out this subsection.

16 **SEC. 602. INTEGRATED SCREENING SYSTEM.**

17 (a) IN GENERAL.—The Secretary of Homeland Secu-
18 rity shall develop a plan for a comprehensive integrated
19 screening system.

20 (b) DESIGN.—The system planned under subsection
21 (a) shall be designed to—

22 (1) encompass an integrated network of screen-
23 ing points that includes the Nation's border security
24 system, transportation system, and critical infra-

1 structure or facilities that the Secretary determines
2 need to be protected against terrorist attack;

3 (2) build upon existing border enforcement and
4 security activities, and to the extent practicable, pri-
5 vate sector security initiatives, in a manner that will
6 enable the utilization of a range of security check
7 points in a continuous and consistent manner
8 throughout the Nation's screening system;

9 (3) allow access to government databases to de-
10 tect terrorists; and

11 (4) utilize biometric identifiers that the Sec-
12 retary determines to be appropriate and feasible.

13 (c) STANDARDS FOR SCREENING PROCEDURES.—

14 (1) AUTHORIZATION.—The Secretary may pro-
15 mulgate standards for screening procedures for—

16 (A) entering and leaving the United
17 States;

18 (B) accessing Federal facilities that the
19 Secretary determines need to be protected
20 against terrorist attack;

21 (C) accessing critical infrastructure that
22 the Secretary determines need to be protected
23 against terrorist attack; and

1 (D) accessing modes of transportation that
2 the Secretary determines need to be protected
3 against terrorist attack.

4 (2) SCOPE.—Standards prescribed under this
5 subsection may address a range of factors, including
6 technologies required to be used in screening and re-
7 quirements for secure identification.

8 (3) REQUIREMENTS.—In promulgating stand-
9 ards for screening procedures, the Secretary shall—

10 (A) consider and incorporate appropriate
11 civil liberties and privacy protections;

12 (B) comply with the Administrative Proce-
13 dure Act; and

14 (C) consult with other Federal, State,
15 local, and tribal governments, and other inter-
16 ested parties, as appropriate.

17 (4) LIMITATION.—This section does not confer
18 to the Secretary new statutory authority, or alter ex-
19 isting authorities, over systems, critical infrastruc-
20 ture, and facilities.

21 (5) NOTIFICATION.—If the Secretary deter-
22 mines that additional regulatory authority is needed
23 to fully implement the plan for an integrated screen-
24 ing system, the Secretary shall immediately notify
25 Congress.

1 (d) COMPLIANCE.—The Secretary may issue regula-
2 tions to ensure compliance with the standards promul-
3 gated under this section.

4 (e) CONSULTATION.—For those systems, critical in-
5 frastructure, and facilities that the Secretary determines
6 need to be protected against terrorist attack, the Secretary
7 shall consult with other Federal agencies, State, local, and
8 tribal governments, and the private sector to ensure the
9 development of consistent standards and consistent imple-
10 mentation of the integrated screening system.

11 (f) BIOMETRIC IDENTIFIERS.—In carrying out this
12 section, the Secretary shall continue to review biometric
13 technologies and existing Federal and State programs
14 using biometric identifiers. Such review shall consider the
15 accuracy rate of available technologies.

16 (g) IMPLEMENTATION.—

17 (1) PHASE I.—The Secretary shall—

18 (A) issue standards for driver's licenses,
19 personal identification cards, and birth certifi-
20 cates, as required under section 606;

21 (B) develop plans for, and begin implemen-
22 tation of, a single program for registered trav-
23 elers to expedite travel across the border, as re-
24 quired under section 603(e);

1 (C) continue the implementation of a bio-
2 metric exit and entry data system that links to
3 relevant databases and data systems, as re-
4 quired by subsections (b) and (c) of section 603
5 and other existing authorities;

6 (D) centralize the “no-fly” and “auto-
7 matic-selectee” lists, making use of improved
8 terrorists watch lists, as required by section
9 703;

10 (E) develop plans, in consultation with
11 other relevant agencies, for the sharing of ter-
12 rorist information with trusted governments, as
13 required by section 605;

14 (F) initiate any other action determined
15 appropriate by the Secretary to facilitate the
16 implementation of this paragraph; and

17 (G) report to Congress on the implementa-
18 tion of phase I, including—

19 (i) the effectiveness of actions taken,
20 the efficacy of resources expended, compli-
21 ance with statutory provisions, and safe-
22 guards for privacy and civil liberties; and

23 (ii) plans for the development and im-
24 plementation of phases II and III.

25 (2) PHASE II.—The Secretary shall—

1 (A) complete the implementation of a sin-
2 gle program for registered travelers to expedite
3 travel across the border, as required by section
4 603(e);

5 (B) complete the implementation of a bio-
6 metric entry and exit data system that links to
7 relevant databases and data systems, as re-
8 quired by subsections (b) and (c) of section
9 603, and other existing authorities;

10 (C) in cooperation with other relevant
11 agencies, engage in dialogue with foreign gov-
12 ernments to develop plans for the use of com-
13 mon screening standards;

14 (D) initiate any other action determined
15 appropriate by the Secretary to facilitate the
16 implementation of this paragraph; and

17 (E) report to Congress on the implementa-
18 tion of phase II, including—

19 (i) the effectiveness of actions taken,
20 the efficacy of resources expended, compli-
21 ance with statutory provisions, and safe-
22 guards for privacy and civil liberties; and

23 (ii) the plans for the development and
24 implementation of phase III.

25 (3) PHASE III.—The Secretary shall—

1 (A) finalize and deploy the integrated
2 screening system required by subsection (a);

3 (B) in cooperation with other relevant
4 agencies, promote the implementation of com-
5 mon screening standards by foreign govern-
6 ments; and

7 (C) report to Congress on the implementa-
8 tion of Phase III, including—

9 (i) the effectiveness of actions taken,
10 the efficacy of resources expended, compli-
11 ance with statutory provisions, and safe-
12 guards for privacy and civil liberties; and

13 (ii) the plans for the ongoing oper-
14 ation of the integrated screening system.

15 (h) REPORT.—After phase III has been implemented,
16 the Secretary shall submit a report to Congress every 3
17 years that describes the ongoing operation of the inte-
18 grated screening system, including its effectiveness, effi-
19 cient use of resources, compliance with statutory provi-
20 sions, and safeguards for privacy and civil liberties.

21 (i) AUTHORIZATIONS.—There are authorized to be
22 appropriated to the Secretary for each of the fiscal years
23 2005 through 2009, such sums as may be necessary to
24 carry out the provisions of this section.

1 **SEC. 603. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.**

2 (a) FINDINGS.—Consistent with the report of the Na-
3 tional Commission on Terrorist Attacks Upon the United
4 States, Congress finds that completing a biometric entry
5 and exit data system as expeditiously as possible is an es-
6 sential investment in efforts to protect the United States
7 by preventing the entry of terrorists.

8 (b) PLAN AND REPORT.—

9 (1) DEVELOPMENT OF PLAN.—The Secretary
10 of Homeland Security shall develop a plan to accel-
11 erate the full implementation of an automated bio-
12 metric entry and exit data system required by appli-
13 cable sections of—

14 (A) the Illegal Immigration Reform and
15 Immigrant Responsibility Act of 1996 (Public
16 Law 104–208);

17 (B) the Immigration and Naturalization
18 Service Data Management Improvement Act of
19 2000 (Public Law 106–205);

20 (C) the Visa Waiver Permanent Program
21 Act (Public Law 106–396);

22 (D) the Enhanced Border Security and
23 Visa Entry Reform Act of 2002 (Public Law
24 107–173); and

25 (E) the Uniting and Strengthening Amer-
26 ica by Providing Appropriate Tools Required to

1 Intercept and Obstruct Terrorism (USA PA-
2 TRIOT ACT) Act of 2001 (Public Law 107-
3 56).

4 (2) REPORT.—Not later than 180 days after
5 the date of enactment of this Act, the Secretary
6 shall submit a report to Congress on the plan devel-
7 oped under paragraph (1), which shall contain—

8 (A) a description of the current
9 functionality of the entry and exit data system,
10 including—

11 (i) a listing of ports of entry with bio-
12 metric entry data systems in use and
13 whether such screening systems are located
14 at primary or secondary inspection areas;

15 (ii) a listing of ports of entry with bio-
16 metric exit data systems in use;

17 (iii) a listing of databases and data
18 systems with which the automated entry
19 and exit data system are interoperable;

20 (iv) a description of—

21 (I) identified deficiencies con-
22 cerning the accuracy or integrity of
23 the information contained in the entry
24 and exit data system;

1 (II) identified deficiencies con-
2 cerning technology associated with
3 processing individuals through the
4 system; and

5 (III) programs or policies
6 planned or implemented to correct
7 problems identified in subclause (I) or
8 (II); and

9 (v) an assessment of the effectiveness
10 of the entry and exit data system in ful-
11 filling its intended purposes, including pre-
12 venting terrorists from entering the United
13 States;

14 (B) a description of factors relevant to the
15 accelerated implementation of the biometric
16 entry and exit system, including—

17 (i) the earliest date on which the Sec-
18 retary estimates that full implementation
19 of the biometric entry and exit data system
20 can be completed;

21 (ii) the actions the Secretary will take
22 to accelerate the full implementation of the
23 biometric entry and exit data system at all
24 ports of entry through which all aliens

1 must pass that are legally required to do
2 so; and

3 (iii) the resources and authorities re-
4 quired to enable the Secretary to meet the
5 implementation date described in clause
6 (i);

7 (C) a description of any improvements
8 needed in the information technology employed
9 for the entry and exit data system; and

10 (D) a description of plans for improved or
11 added interoperability with any other databases
12 or data systems.

13 (c) INTEGRATION REQUIREMENT.—Not later than 2
14 years after the date of enactment of this Act, the Sec-
15 retary shall integrate the biometric entry and exit data
16 system with all databases and data systems maintained
17 by the United States Citizenship and Immigration Serv-
18 ices that process or contain information on aliens.

19 (d) MAINTAINING ACCURACY AND INTEGRITY OF
20 ENTRY AND EXIT DATA SYSTEM.—

21 (1) IN GENERAL.—The Secretary, in consulta-
22 tion with other appropriate agencies, shall establish
23 rules, guidelines, policies, and operating and audit-
24 ing procedures for collecting, removing, and updat-
25 ing data maintained in, and adding information to,

1 the entry and exit data system, and databases and
2 data systems linked to the entry and exit data sys-
3 tem, that ensure the accuracy and integrity of the
4 data.

5 (2) REQUIREMENTS.—The rules, guidelines,
6 policies, and procedures established under paragraph
7 (1) shall—

8 (A) incorporate a simple and timely meth-
9 od for—

10 (i) correcting errors; and

11 (ii) clarifying information known to
12 cause false hits or misidentification errors;

13 and

14 (B) include procedures for individuals to
15 seek corrections of data contained in the data
16 systems.

17 (e) EXPEDITING REGISTERED TRAVELERS ACROSS
18 INTERNATIONAL BORDERS.—

19 (1) FINDINGS.—Consistent with the report of
20 the National Commission on Terrorist Attacks Upon
21 the United States, Congress finds that—

22 (A) expediting the travel of previously
23 screened and known travelers across the bor-
24 ders of the United States should be a high pri-
25 ority; and

1 (B) the process of expediting known trav-
2 elers across the border can permit inspectors to
3 better focus on identifying terrorists attempting
4 to enter the United States.

5 (2) DEFINITION.—The term “registered trav-
6 eler program” means any program designed to expe-
7 dite the travel of previously screened and known
8 travelers across the borders of the United States.

9 (3) REGISTERED TRAVEL PLAN.—

10 (A) IN GENERAL.—As soon as is prac-
11 ticable, the Secretary shall develop and imple-
12 ment a plan to expedite the processing of reg-
13 istered travelers who enter and exit the United
14 States through a single registered traveler pro-
15 gram.

16 (B) INTEGRATION.—The registered trav-
17 eler program developed under this paragraph
18 shall be integrated into the automated biometric
19 entry and exit data system described in this
20 section.

21 (C) REVIEW AND EVALUATION.—In devel-
22 oping the program under this paragraph, the
23 Secretary shall—

24 (i) review existing programs or pilot
25 projects designed to expedite the travel of

1 registered travelers across the borders of
2 the United States;

3 (ii) evaluate the effectiveness of the
4 programs described in clause (i), the costs
5 associated with such programs, and the
6 costs to travelers to join such programs;
7 and

8 (iii) increase research and develop-
9 ment efforts to accelerate the development
10 and implementation of a single registered
11 traveler program.

12 (4) REPORT.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary shall
14 submit to Congress a report describing the Depart-
15 ment’s progress on the development and implemen-
16 tation of the plan required by this subsection.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary, for
19 each of the fiscal years 2005 through 2009, such sums
20 as may be necessary to carry out the provisions of this
21 section.

22 **SEC. 604. TRAVEL DOCUMENTS.**

23 (a) FINDINGS.—Consistent with the report of the Na-
24 tional Commission on Terrorist Attacks Upon the United
25 States, Congress finds that—

1 (1) existing procedures allow many individuals
2 to enter the United States by showing minimal iden-
3 tification or without showing any identification;

4 (2) the planning for the terrorist attacks of
5 September 11, 2001, demonstrates that terrorists
6 study and exploit United States vulnerabilities; and

7 (3) additional safeguards are needed to ensure
8 that terrorists cannot enter the United States.

9 (b) BIOMETRIC PASSPORTS.—

10 (1) DEVELOPMENT OF PLAN.—The Secretary
11 of Homeland Security, in consultation with the Sec-
12 retary of State, shall develop and implement a plan
13 as expeditiously as possible to require biometric
14 passports or other identification deemed by the Sec-
15 retary to be at least as secure as a biometric pass-
16 port, for all travel into the United States by United
17 States citizens and by categories of individuals for
18 whom documentation requirements have previously
19 been waived under section 212(d)(4)(B) of the Im-
20 migration and Nationality Act (8 U.S.C.
21 1182(d)(4)(B)).

22 (2) REQUIREMENT TO PRODUCE DOCUMENTA-
23 TION.—The plan developed under paragraph (1)
24 shall require all United States citizens, and cat-
25 egories of individuals for whom documentation re-

1 requirements have previously been waived under sec-
2 tion 212(d)(4)(B) of such Act, to carry and produce
3 the documentation described in paragraph (1) when
4 traveling from foreign countries into the United
5 States.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
7 After the complete implementation of the plan described
8 in subsection (b)—

9 (1) the Secretary of State and the Attorney
10 General may no longer exercise discretion under sec-
11 tion 212(d)(4)(B) of such Act to waive documentary
12 requirements for travel into the United States; and

13 (2) the President may no longer exercise discre-
14 tion under section 215(b) of such Act to waive docu-
15 mentary requirements for United States citizens de-
16 parting from or entering, or attempting to depart
17 from or enter, the United States, unless the Sec-
18 retary of State determines that the alternative docu-
19 mentation that is the basis for the waiver of the docu-
20 mentary requirement is at least as secure as a bio-
21 metric passport.

22 (d) TRANSIT WITHOUT VISA PROGRAM.—The Sec-
23 retary of State shall not use any authorities granted under
24 section 212(d)(4)(C) of such Act until the Secretary, in
25 conjunction with the Secretary of Homeland Security,

1 completely implements a security plan to fully ensure se-
2 cure transit passage areas to prevent aliens proceeding in
3 immediate and continuous transit through the United
4 States from illegally entering the United States.

5 **SEC. 605. EXCHANGE OF TERRORIST INFORMATION.**

6 (a) FINDINGS.—Consistent with the report of the Na-
7 tional Commission on Terrorist Attacks Upon the United
8 States, Congress finds that—

9 (1) the exchange of terrorist information with
10 other countries, consistent with privacy require-
11 ments, along with listings of lost and stolen pass-
12 ports, will have immediate security benefits; and

13 (2) the further away from the borders of the
14 United States that screening occurs, the more secu-
15 rity benefits the United States will gain.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the United States Government should ex-
19 change terrorist information with trusted allies;

20 (2) the United States Government should move
21 toward real-time verification of passports with
22 issuing authorities;

23 (3) where practicable the United States Govern-
24 ment should conduct screening before a passenger
25 departs on a flight destined for the United States;

1 (4) the United States Government should work
2 with other countries to ensure effective inspection
3 regimes at all airports;

4 (5) the United States Government should work
5 with other countries to improve passport standards
6 and provide foreign assistance to countries that need
7 help making the transition to the global standard for
8 identification; and

9 (6) the Department of Homeland Security, in
10 coordination with the Department of State and other
11 agencies, should implement the initiatives called for
12 in this subsection.

13 (c) REPORT REGARDING THE EXCHANGE OF TER-
14 RORIST INFORMATION.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary of State and the Secretary of Homeland Secu-
18 rity, working with other agencies, shall submit to the
19 appropriate committees of Congress a report on
20 Federal efforts to collaborate with allies of the
21 United States in the exchange of terrorist informa-
22 tion.

23 (2) CONTENTS.—The report shall outline—

24 (A) strategies for increasing such collabo-
25 ration and cooperation;

1 (B) progress made in screening passengers
2 before their departure to the United States; and

3 (C) efforts to work with other countries to
4 accomplish the goals described under this sec-
5 tion.

6 **SEC. 606. MINIMUM STANDARDS FOR IDENTIFICATION-RE-**
7 **LATED DOCUMENTS.**

8 (a) IN GENERAL.—Subtitle H of title VIII of the
9 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
10 is amended by adding at the end the following:

11 **“SEC. 890A. MINIMUM STANDARDS FOR BIRTH CERTIFI-**
12 **CATES.**

13 “(a) DEFINITION.—In this section, the term ‘birth
14 certificate’ means a certificate of birth—

15 “(1) for an individual (regardless of where
16 born)—

17 “(A) who is a citizen or national of the
18 United States at birth; and

19 “(B) whose birth is registered in the
20 United States; and

21 “(2) that—

22 “(A) is issued by a Federal, State, or local
23 government agency or authorized custodian of
24 record and produced from birth records main-
25 tained by such agency or custodian of record; or

1 “(B) is an authenticated copy, issued by a
2 Federal, State, or local government agency or
3 authorized custodian of record, of an original
4 certificate of birth issued by such agency or
5 custodian of record.

6 “(b) STANDARDS FOR ACCEPTANCE BY FEDERAL
7 AGENCIES.—

8 “(1) IN GENERAL.—Beginning 2 years after the
9 promulgation of minimum standards under para-
10 graph (2), no Federal agency may accept a birth
11 certificate for any official purpose unless the certifi-
12 cate conforms to such standards.

13 “(2) MINIMUM STANDARDS.—Within 1 year
14 after the date of enactment of this section, the Sec-
15 retary shall by regulation establish minimum stand-
16 ards for birth certificates for use by Federal agen-
17 cies for official purposes that—

18 “(A) at a minimum, shall require certifi-
19 cation of the birth certificate by the State or
20 local government custodian of record that
21 issued the certificate, and shall require the use
22 of safety paper, the seal of the issuing custo-
23 dian of record, and other features designed to
24 prevent tampering, counterfeiting, or otherwise

1 duplicating the birth certificate for fraudulent
2 purposes;

3 “(B) shall establish requirements for proof
4 and verification of identity as a condition of
5 issuance of a birth certificate, with additional
6 security measures for the issuance of a birth
7 certificate for a person who is not the applicant;

8 “(C) may not require a single design to
9 which birth certificates issued by all States
10 must conform; and

11 “(D) shall accommodate the differences be-
12 tween the States in the manner and form in
13 which birth records are stored and birth certifi-
14 cates are produced from such records.

15 “(3) CONSULTATION WITH GOVERNMENT AGEN-
16 CIES.—In promulgating the standards required by
17 paragraph (2), the Secretary shall consult with State
18 vital statistics offices and appropriate Federal agen-
19 cies.

20 “(4) EXTENSION OF EFFECTIVE DATE.—The
21 Secretary may extend the 2-year date under para-
22 graph (1) by up to 2 additional years for birth cer-
23 tificates issued before that 2-year date if the Sec-
24 retary determines that the States are unable to com-

1 ply with such date after making reasonable efforts to
2 do so.

3 “(c) GRANTS TO STATES.—

4 “(1) ASSISTANCE IN MEETING FEDERAL
5 STANDARDS.—

6 “(A) IN GENERAL.—Beginning on the date
7 a final regulation is promulgated under sub-
8 section (b)(2), the Secretary shall make grants
9 to States to assist them in conforming to the
10 minimum standards for birth certificates set
11 forth in the regulation.

12 “(B) ALLOCATION OF GRANTS.—The Sec-
13 retary shall make grants to States under this
14 paragraph based on the proportion that the es-
15 timated average annual number of birth certifi-
16 cates issued by a State applying for a grant
17 bears to the estimated average annual number
18 of birth certificates issued by all States.

19 “(2) ASSISTANCE IN MATCHING BIRTH AND
20 DEATH RECORDS.—

21 “(A) IN GENERAL.—The Secretary, in co-
22 ordination with other appropriate Federal agen-
23 cies, shall make grants to States to assist them
24 in—

1 defined in section 30301(5) of title 49, United
2 States Code.

3 “(2) PERSONAL IDENTIFICATION CARD.—The
4 term ‘personal identification card’ means an identi-
5 fication document (as defined in section 1028(d)(3)
6 of title 18, United States Code) issued by a State.

7 “(b) STANDARDS FOR ACCEPTANCE BY FEDERAL
8 AGENCIES.—

9 “(1) IN GENERAL.—

10 “(A) LIMITATION ON ACCEPTANCE.—No
11 Federal agency may accept, for any official pur-
12 pose, a driver’s license or personal identification
13 card issued by a State more than 2 years after
14 the promulgation of the minimum standards
15 under paragraph (2) unless the driver’s license
16 or personal identification card conforms to such
17 minimum standards.

18 “(B) DATE FOR CONFORMANCE.—The
19 Secretary shall establish a date after which no
20 driver’s license or personal identification card
21 shall be accepted by a Federal agency for any
22 official purpose unless such driver’s license or
23 personal identification card conforms to the
24 minimum standards established under para-
25 graph (2). The date shall be as early as the

1 Secretary determines it is practicable for the
2 States to comply with such date with reasonable
3 efforts.

4 “(2) MINIMUM STANDARDS.—Within 1 year
5 after the date of enactment of this section, the Sec-
6 retary shall by regulation establish minimum stand-
7 ards for driver’s licenses or personal identification
8 cards issued by a State for use by Federal agencies
9 for identification purposes that shall include—

10 “(A) standards for documentation required
11 as proof of identity of an applicant for a driv-
12 er’s license or identification card;

13 “(B) standards for third-party verification
14 of the authenticity of documents used to obtain
15 a driver’s license or identification card;

16 “(C) standards for the processing of appli-
17 cations for driver’s licenses and identification
18 cards to prevent fraud;

19 “(D) security standards to ensure that
20 driver’s licenses and identification cards are—

21 “(i) resistant to tampering, alteration,
22 or counterfeiting; and

23 “(ii) capable of accommodating a dig-
24 ital photograph or other unique identifier;
25 and

1 “(E) a requirement that a State confiscate
2 a driver’s license or identification card if any
3 component or security feature of the license or
4 identification card is compromised.

5 “(3) CONTENT OF REGULATIONS.—The regula-
6 tions required by paragraph (2)—

7 “(A) shall facilitate communication be-
8 tween the chief driver licensing official of a
9 State and an appropriate official of a Federal
10 agency to verify the authenticity of documents
11 issued by such Federal agency and presented to
12 prove the identity of an individual;

13 “(B) may not directly or indirectly infringe
14 on a State’s power to set eligibility criteria for
15 obtaining a driver’s license or identification
16 card from that State; and

17 “(C) may not require a State to comply
18 with any such regulation that conflicts with or
19 otherwise interferes with the full enforcement of
20 such eligibility criteria by the State.

21 “(4) CONSULTATION WITH GOVERNMENT AGEN-
22 CIES.—In promulgating the standards required by
23 paragraph (2), the Secretary shall consult with the
24 Department of Transportation, the chief driver li-
25 censing official of each State, any other State orga-

1 nization that issues personal identification cards,
2 and any organization, determined appropriate by the
3 Secretary, that represents the interests of the
4 States.

5 “(c) GRANTS TO STATES.—

6 “(1) ASSISTANCE IN MEETING FEDERAL
7 STANDARDS.—Beginning on the date a final regula-
8 tion is promulgated under subsection (b)(2), the
9 Secretary shall make grants to States to assist them
10 in conforming to the minimum standards for driver’s
11 licenses and personal identification cards set forth in
12 the regulation.

13 “(2) ALLOCATION OF GRANTS.—The Secretary
14 shall make grants to States under this subsection
15 based on the proportion that the estimated average
16 annual number of driver’s licenses and personal
17 identification cards issued by a State applying for a
18 grant bears to the average annual number of such
19 documents issued by all States.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary for
22 each of the fiscal years 2005 through 2009, such sums
23 as may be necessary to carry out this section.

1 **“SEC. 890C. SOCIAL SECURITY CARDS.**

2 “(a) SECURITY ENHANCEMENTS.—The Commis-
3 sioner of Social Security shall—

4 “(1) within 180 days after the date of enact-
5 ment of this section, issue regulations to restrict the
6 issuance of multiple replacement social security
7 cards to any individual to minimize fraud;

8 “(2) within 1 year after the date of enactment
9 of this section, require independent verification of all
10 records provided by an applicant for an original so-
11 cial security card, other than for purposes of enu-
12 meration at birth; and

13 “(3) within 18 months after the date of enact-
14 ment of this section, add death, fraud, and work au-
15 thorization indicators to the social security number
16 verification system.

17 “(b) INTERAGENCY SECURITY TASK FORCE.—The
18 Secretary and the Commissioner of Social Security shall
19 form an interagency task force for the purpose of further
20 improving the security of social security cards and num-
21 bers. Within 1 year after the date of enactment of this
22 section, the task force shall establish security require-
23 ments, including—

24 “(1) standards for safeguarding social security
25 cards from counterfeiting, tampering, alteration, and
26 theft;

1 “(2) requirements for verifying documents sub-
2 mitted for the issuance of replacement cards; and

3 “(3) actions to increase enforcement against the
4 fraudulent use or issuance of social security numbers
5 and cards.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Commissioner of
8 Social Security for each of the fiscal years 2005 through
9 2009, such sums as may be necessary to carry out this
10 section.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) Section 656 of the Illegal Immigration Re-
13 form and Immigrant Responsibility Act of 1996 (5
14 U.S.C. 301 note) is repealed.

15 (2) Section 1(b) of the Homeland Security Act
16 of 2002 (Public Law 107–296; 116 Stat. 2135) is
17 amended by inserting after the item relating to sec-
18 tion 890 the following:

“Sec. 890A. Minimum standards for birth certificates.

“Sec. 890B. Driver’s licenses and personal identification cards.

“Sec. 890C. Social security cards.”.

19 **TITLE VII—TRANSPORTATION** 20 **SECURITY**

21 **SEC. 701. DEFINITIONS.**

22 In this title, the terms “air carrier”, “air transpor-
23 tation”, “aircraft”, “airport”, “cargo”, “foreign air car-
24 rier”, and “intrastate air transportation” have the mean-

1 ings given such terms in section 40102 of title 49, United
2 States Code.

3 **SEC. 702. NATIONAL STRATEGY FOR TRANSPORTATION SE-**
4 **CURITY.**

5 (a) REQUIREMENT FOR STRATEGY.—

6 (1) RESPONSIBILITIES OF SECRETARY OF
7 HOMELAND SECURITY.—The Secretary of Homeland
8 Security shall—

9 (A) develop and implement a National
10 Strategy for Transportation Security; and

11 (B) revise such strategy whenever nec-
12 essary to improve or to maintain the currency
13 of the strategy or whenever the Secretary other-
14 wise considers it appropriate to do so.

15 (2) CONSULTATION WITH SECRETARY OF
16 TRANSPORTATION.—The Secretary of Homeland Se-
17 curity shall consult with the Secretary of Transpor-
18 tation in developing and revising the National Strat-
19 egy for Transportation Security under this section.

20 (b) CONTENT.—The National Strategy for Transpor-
21 tation Security shall include the following matters:

22 (1) An identification and evaluation of the
23 transportation assets within the United States that,
24 in the interests of national security, must be pro-
25 tected from attack or disruption by terrorist or other

1 hostile forces, including aviation, bridge and tunnel,
2 commuter rail and ferry, highway, maritime, pipe-
3 line, rail, urban mass transit, and other public trans-
4 portation infrastructure assets that could be at risk
5 of such an attack or disruption.

6 (2) The development of the risk-based prior-
7 ities, and realistic deadlines, for addressing security
8 needs associated with those assets.

9 (3) The most practical and cost-effective means
10 of defending those assets against threats to their se-
11 curity.

12 (4) A forward-looking strategic plan that as-
13 signs transportation security roles and missions to
14 departments and agencies of the Federal Govern-
15 ment (including the Armed Forces), State govern-
16 ments (including the Army National Guard and Air
17 National Guard), local governments, and public utili-
18 ties, and establishes mechanisms for encouraging
19 private sector cooperation and participation in the
20 implementation of such plan.

21 (5) A comprehensive delineation of response
22 and recovery responsibilities and issues regarding
23 threatened and executed acts of terrorism within the
24 United States.

1 (6) A prioritization of research and development
2 objectives that support transportation security
3 needs, giving a higher priority to research and devel-
4 opment directed toward protecting vital assets.

5 (7) A budget and recommendations for appro-
6 priate levels and sources of funding to meet the ob-
7 jectives set forth in the strategy.

8 (c) SUBMISSIONS TO CONGRESS.—

9 (1) THE NATIONAL STRATEGY.—

10 (A) INITIAL STRATEGY.—The Secretary of
11 Homeland Security shall submit the National
12 Strategy for Transportation Security developed
13 under this section to Congress not later than
14 April 1, 2005.

15 (B) SUBSEQUENT VERSIONS.—After 2005,
16 the Secretary of Homeland Security shall sub-
17 mit the National Strategy for Transportation
18 Security, including any revisions, to Congress
19 not less frequently than April 1 of each even-
20 numbered year.

21 (2) PERIODIC PROGRESS REPORT.—

22 (A) REQUIREMENT FOR REPORT.—Each
23 year, in conjunction with the submission of the
24 budget to Congress under section 1105(a) of
25 title 31, United States Code, the Secretary of

1 Homeland Security shall submit to Congress an
2 assessment of the progress made on imple-
3 menting the National Strategy for Transpor-
4 tation Security.

5 (B) CONTENT.—Each progress report
6 under this paragraph shall include, at a min-
7 imum, the following matters:

8 (i) An assessment of the adequacy of
9 the resources committed to meeting the ob-
10 jectives of the National Strategy for
11 Transportation Security.

12 (ii) Any recommendations for improv-
13 ing and implementing that strategy that
14 the Secretary, in consultation with the Sec-
15 retary of Transportation, considers appro-
16 priate.

17 (3) CLASSIFIED MATERIAL.—Any part of the
18 National Strategy for Transportation Security that
19 involves information that is properly classified under
20 criteria established by Executive order shall be sub-
21 mitted to Congress separately in classified form.

22 (d) PRIORITY STATUS.—

23 (1) IN GENERAL.—The National Strategy for
24 Transportation Security shall be the governing docu-
25 ment for Federal transportation security efforts.

1 (2) OTHER PLANS AND REPORTS.—The Na-
2 tional Strategy for Transportation Security shall in-
3 clude, as an integral part or as an appendix—

4 (A) the current National Maritime Trans-
5 portation Security Plan under section 70103 of
6 title 46, United States Code;

7 (B) the report of the Secretary of Trans-
8 portation under section 44938 of title 49,
9 United States Code; and

10 (C) any other transportation security plan
11 or report that the Secretary of Homeland Secu-
12 rity determines appropriate for inclusion.

13 **SEC. 703. USE OF WATCHLISTS FOR PASSENGER AIR**
14 **TRANSPORTATION SCREENING.**

15 (a) IN GENERAL.—The Secretary of Homeland Secu-
16 rity, acting through the Transportation Security Adminis-
17 tration, as soon as practicable after the date of the enact-
18 ment of this Act but in no event later than 90 days after
19 that date, shall—

20 (1) implement a procedure under which the
21 Transportation Security Administration compares
22 information about passengers who are to be carried
23 aboard a passenger aircraft operated by an air car-
24 rier or foreign air carrier in air transportation or
25 intrastate air transportation for flights and flight

1 segments originating in the United States with a
2 comprehensive, consolidated database containing in-
3 formation about known or suspected terrorists and
4 their associates; and

5 (2) use the information obtained by comparing
6 the passenger information with the information in
7 the database to prevent known or suspected terror-
8 ists and their associates from boarding such flights
9 or flight segments or to subject them to specific ad-
10 ditional security scrutiny, through the use of “no
11 fly” and “automatic selectee” lists or other means.

12 (b) AIR CARRIER COOPERATION.—The Secretary of
13 Homeland Security, in coordination with the Secretary of
14 Transportation, shall by order require air carriers to pro-
15 vide the passenger information necessary to implement the
16 procedure required by subsection (a).

17 (c) MAINTAINING THE ACCURACY AND INTEGRITY OF
18 THE “NO FLY” AND “AUTOMATIC SELECTEE” LISTS.—

19 (1) WATCHLIST DATABASE.—The Secretary of
20 Homeland Security, in consultation with the Direc-
21 tor of the Federal Bureau of Investigation, shall de-
22 sign guidelines, policies, and operating procedures
23 for the collection, removal, and updating of data
24 maintained, or to be maintained, in the watchlist
25 database described in subsection (a)(1) that are de-

1 signed to ensure the accuracy and integrity of the
2 database.

3 (2) ACCURACY OF ENTRIES.—In developing the
4 “no fly” and “automatic selectee” lists under sub-
5 section (a)(2), the Secretary of Homeland Security
6 shall establish a simple and timely method for cor-
7 recting erroneous entries, for clarifying information
8 known to cause false hits or misidentification errors,
9 and for updating relevant information that is dis-
10 positive in the passenger screening process. The Sec-
11 retary shall also establish a process to provide indi-
12 viduals whose names are confused with, or similar
13 to, names in the database with a means of dem-
14 onstrating that they are not a person named in the
15 database.

16 **SEC. 704. ENHANCED PASSENGER AND CARGO SCREENING.**

17 (a) AIRCRAFT PASSENGER SCREENING AT CHECK-
18 POINTS.—

19 (1) DETECTION OF EXPLOSIVES.—

20 (A) IMPROVEMENT OF CAPABILITIES.—As
21 soon as practicable after the date of the enact-
22 ment of this Act, the Secretary of Homeland
23 Security shall take such action as is necessary
24 to improve the capabilities at passenger screen-
25 ing checkpoints, especially at commercial air-

1 ports, to detect explosives carried aboard air-
2 craft by passengers or placed aboard aircraft by
3 passengers.

4 (B) INTERIM ACTION.—Until measures are
5 implemented that enable the screening of all
6 passengers for explosives, the Secretary shall
7 take immediate measures to require Transpor-
8 tation Security Administration or other screen-
9 ers to screen for explosives any individual iden-
10 tified for additional screening before that indi-
11 vidual may board an aircraft.

12 (2) IMPLEMENTATION REPORT.—

13 (A) REQUIREMENT FOR REPORT.—Within
14 90 days after the date of the enactment of this
15 Act, the Secretary of Homeland Security shall
16 transmit to the Senate and the House of Rep-
17 resentatives a report on how the Secretary in-
18 tends to achieve the objectives of the actions re-
19 quired under paragraph (1). The report shall
20 include an implementation schedule.

21 (B) CLASSIFIED INFORMATION.—The Sec-
22 retary may submit separately in classified form
23 any information in the report under subpara-
24 graph (A) that involves information that is

1 properly classified under criteria established by
2 Executive order.

3 (b) ACCELERATION OF RESEARCH AND DEVELOP-
4 MENT ON, AND DEPLOYMENT OF, DETECTION OF EXPLO-
5 SIVES.—

6 (1) REQUIRED ACTION.—The Secretary of
7 Homeland Security, in consultation with the Sec-
8 retary of Transportation, shall take such action as
9 may be necessary to accelerate research and develop-
10 ment and deployment of technology for screening
11 aircraft passengers for explosives during or before
12 the aircraft boarding process.

13 (2) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the Sec-
15 retary such sums as are necessary to carry out this
16 subsection for each of fiscal years 2005 through
17 2009.

18 (c) IMPROVEMENT OF SCREENER JOB PERFORM-
19 ANCE.—

20 (1) REQUIRED ACTION.—The Secretary of
21 Homeland Security shall take such action as may be
22 necessary to improve the job performance of airport
23 screening personnel.

24 (2) HUMAN FACTORS STUDY.—In carrying out
25 this subsection, the Secretary shall, not later than

1 180 days after the date of the enactment of this Act,
2 conduct a human factors study in order better to un-
3 derstand problems in screener performance and to
4 set attainable objectives for individual screeners and
5 screening checkpoints.

6 (d) CHECKED BAGGAGE AND CARGO.—

7 (1) IN-LINE BAGGAGE SCREENING.—The Sec-
8 retary of Homeland Security shall take such action
9 as may be necessary to expedite the installation and
10 use of advanced in-line baggage-screening equipment
11 at commercial airports.

12 (2) CARGO SECURITY.—The Secretary shall
13 take such action as may be necessary to ensure that
14 the Transportation Security Administration in-
15 creases and improves its efforts to screen potentially
16 dangerous cargo.

17 (3) HARDENED CONTAINERS.—The Secretary,
18 in consultation with the Secretary of Transportation,
19 shall require air carriers to deploy at least 1 hard-
20 ened container for containing baggage or cargo
21 items in each passenger aircraft that also carries
22 cargo.

23 (e) COST-SHARING.—Not later than 45 days after the
24 date of the enactment of this Act, the Secretary of Home-
25 land Security, in consultation with representatives of air

1 carriers, airport operators, and other interested parties,
 2 shall submit to the Senate and the House of Representa-
 3 tives—

4 (1) a proposed formula for cost-sharing, for the
 5 advanced in-line baggage screening equipment re-
 6 quired by this title, between and among the Federal
 7 Government, State and local governments, and the
 8 private sector that reflects proportionate national se-
 9 curity benefits and private sector benefits for such
 10 enhancement; and

11 (2) recommendations, including recommended
 12 legislation, for an equitable, feasible, and expeditious
 13 system for defraying the costs of the advanced in-
 14 line baggage screening equipment required by this
 15 title, which may be based on the formula proposed
 16 under paragraph (1).

17 **TITLE VIII—NATIONAL** 18 **PREPAREDNESS**

19 **SEC. 801. HOMELAND SECURITY ASSISTANCE.**

20 (a) DEFINITIONS.—In this section:

21 (1) COMMUNITY.—The term “community”
 22 means a State, local government, or region.

23 (2) HOMELAND SECURITY ASSISTANCE.—The
 24 term “homeland security assistance” means grants
 25 or other financial assistance provided by the Depart-

1 ment of Homeland Security under the State Home-
2 land Security Grants Program, the Urban Areas Se-
3 curity Initiative, or the Law Enforcement Terrorism
4 Prevention Program.

5 (3) LOCAL GOVERNMENT.—The term “local
6 government” has the meaning given that term in
7 section 2(10) of the Homeland Security Act of 2002
8 (6 U.S.C. 101(10)).

9 (4) REGION.—The term “region” means any
10 intrastate or interstate consortium of local govern-
11 ments.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of Homeland Security.

14 (6) STATE.—The term “State” has the mean-
15 ing given that term in section 2(14) of the Home-
16 land Security Act of 2002 (6 U.S.C. 101(14)).

17 (7) UNDER SECRETARY.—The term “Under
18 Secretary” means the Under Secretary of Homeland
19 Security for Information Analysis and Infrastructure
20 Protection.

21 (b) IN GENERAL.—The Secretary shall allocate
22 homeland security assistance to communities based on—

23 (1) the level of threat faced by a community, as
24 determined by the Secretary through the Under Sec-

1 retary, in consultation with the National Intelligence
2 Director;

3 (2) the critical infrastructure in the community,
4 and the risks to and vulnerability of that infrastruc-
5 ture, as identified and assessed by the Secretary
6 through the Under Secretary;

7 (3) the community's population and population
8 density;

9 (4) such other indicia of a community's risk
10 and vulnerability as the Secretary determines is ap-
11 propriate;

12 (5) the benchmarks developed under subsection
13 (d)(4)(A); and

14 (6) the goal of achieving and enhancing essen-
15 tial emergency preparedness and response capabili-
16 ties throughout the Nation.

17 (c) REALLOCATION OF ASSISTANCE.—A State receiv-
18 ing homeland security assistance may reallocate such as-
19 sistance, in whole or in part, among local governments or
20 other entities, only if such reallocation is made on the
21 basis of an assessment of threats, risks, and vulnerabilities
22 of the local governments or other entities that is consistent
23 with the criteria set forth in subsection (b).

24 (d) ADVISORY PANEL.—

1 (1) ESTABLISHMENT.—Not later than 60 days
2 after the date of enactment of this Act, the Sec-
3 retary shall establish an advisory panel to assist the
4 Secretary in determining how to allocate homeland
5 security assistance funds most effectively among
6 communities, consistent with the criteria set out in
7 subsection (b).

8 (2) SELECTION OF MEMBERS.—The Secretary
9 shall appoint no fewer than 10 individuals to serve
10 on the advisory panel. The individuals shall—

11 (A) be chosen on the basis of their knowl-
12 edge, achievements, and experience;

13 (B) be from diverse geographic and profes-
14 sional backgrounds; and

15 (C) have demonstrated expertise in home-
16 land security or emergency preparedness and
17 response.

18 (3) TERM.—Each member of the advisory panel
19 appointed by the Secretary shall serve a term the
20 length of which is to be determined by the Secretary,
21 but which shall not exceed 5 years.

22 (4) RESPONSIBILITIES.—The advisory panel
23 shall—

24 (A) develop benchmarks by which the
25 needs and capabilities of diverse communities

1 throughout the Nation with respect to potential
2 terrorist attacks may be assessed, and review
3 and revise those benchmarks as appropriate;
4 and

5 (B) advise the Secretary on means of es-
6 tablishing appropriate priorities for the alloca-
7 tion of funding among applicants for homeland
8 security assistance.

9 (5) REPORTS.—Not later than 1 year after the
10 date of enactment of this Act, and annually there-
11 after, the advisory panel shall provide the Secretary
12 and Congress with a report on the benchmarks it
13 has developed under paragraph (4)(A), including any
14 revisions or modifications to such benchmarks.

15 (6) APPLICABILITY OF FEDERAL ADVISORY
16 COMMITTEE ACT.—The Federal Advisory Committee
17 Act (5 U.S.C. App.) shall apply to the advisory
18 panel.

19 (7) ADMINISTRATIVE SUPPORT SERVICES.—The
20 Secretary shall provide administrative support serv-
21 ices to the advisory panel.

22 (e) TECHNICAL AND CONFORMING AMENDMENT.—
23 Section 1014(c) of the USA PATRIOT ACT of 2001 (42
24 U.S.C. 3714(c)) is amended by striking paragraph (3).

1 **SEC. 802. THE INCIDENT COMMAND SYSTEM.**

2 (a) FINDINGS.—Consistent with the report of the Na-
3 tional Commission on Terrorist Attacks Upon the United
4 States, Congress makes the following findings:

5 (1) The attacks on September 11, 2001, dem-
6 onstrated that even the most robust emergency re-
7 sponse capabilities can be overwhelmed if an attack
8 is large enough.

9 (2) Teamwork, collaboration, and cooperation
10 at an incident site are critical to a successful re-
11 sponse to a terrorist attack.

12 (3) Key decision makers who are represented at
13 the incident command level help to ensure an effec-
14 tive response, the efficient use of resources, and re-
15 sponder safety.

16 (4) Regular joint training at all levels is essen-
17 tial to ensuring close coordination during an actual
18 incident.

19 (5) Beginning with fiscal year 2005, the De-
20 partment of Homeland Security is requiring that en-
21 tities adopt the Incident Command System and
22 other concepts of the National Incident Management
23 System in order to qualify for funds distributed by
24 the Office of State and Local Government Coordina-
25 tion and Preparedness.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) emergency response agencies nationwide
4 should adopt the Incident Command System;

5 (2) when multiple agencies or multiple jurisdic-
6 tions are involved, they should follow a unified com-
7 mand system; and

8 (3) the Secretary of Homeland Security should
9 require, as a further condition of receiving homeland
10 security preparedness funds from the Office of State
11 and Local Government Coordination and Prepared-
12 ness, that grant applicants document measures
13 taken to fully and aggressively implement the Inci-
14 dent Command System and unified command proce-
15 dures.

16 **SEC. 803. NATIONAL CAPITAL REGION MUTUAL AID.**

17 (a) DEFINITIONS.—In this section:

18 (1) AUTHORIZED REPRESENTATIVE OF THE
19 FEDERAL GOVERNMENT.—The term “authorized
20 representative of the Federal Government” means
21 any individual or individuals designated by the
22 President with respect to the executive branch, the
23 Chief Justice with respect to the Federal judiciary,
24 or the President of the Senate and Speaker of the
25 House of Representatives with respect to Congress,

1 or their designees, to request assistance under a Mu-
2 tual Aid Agreement for an emergency or public serv-
3 ice event.

4 (2) CHIEF OPERATING OFFICER.—The term
5 “chief operating officer” means the official des-
6 ignated by law to declare an emergency in and for
7 the locality of that chief operating officer.

8 (3) EMERGENCY.—The term “emergency”
9 means a major disaster or emergency declared by
10 the President, or a state of emergency declared by
11 the Mayor of the District of Columbia, the Governor
12 of the State of Maryland or the Commonwealth of
13 Virginia, or the declaration of a local emergency by
14 the chief operating officer of a locality, or their des-
15 ignees, that triggers mutual aid under the terms of
16 a Mutual Aid Agreement.

17 (4) EMPLOYEE.—The term “employee” means
18 the employees of the party, including its agents or
19 authorized volunteers, who are committed in a Mu-
20 tual Aid Agreement to prepare for or who respond
21 to an emergency or public service event.

22 (5) LOCALITY.—The term “locality” means a
23 county, city, or town within the State of Maryland
24 or the Commonwealth of Virginia and within the
25 National Capital Region.

1 (6) MUTUAL AID AGREEMENT.—The term “Mu-
2 tual Aid Agreement” means an agreement, author-
3 ized under subsection (b) for the provision of police,
4 fire, rescue and other public safety and health or
5 medical services to any party to the agreement dur-
6 ing a public service event, an emergency, or pre-
7 planned training event.

8 (7) NATIONAL CAPITAL REGION OR REGION.—
9 The term “National Capital Region” or “Region”
10 means the area defined under section 2674(f)(2) of
11 title 10, United States Code, and those counties with
12 a border abutting that area and any municipalities
13 therein.

14 (8) PARTY.—The term “party” means the
15 State of Maryland, the Commonwealth of Virginia,
16 the District of Columbia, and any of the localities
17 duly executing a Mutual Aid Agreement under this
18 section.

19 (9) PUBLIC SERVICE EVENT.—The term “pub-
20 lic service event”—

21 (A) means any undeclared emergency, inci-
22 dent or situation in preparation for or response
23 to which the Mayor of the District of Columbia,
24 an authorized representative of the Federal
25 Government, the Governor of the State of

1 Maryland, the Governor of the Commonwealth
2 of Virginia, or the chief operating officer of a
3 locality in the National Capital Region, or their
4 designees, requests or provides assistance under
5 a Mutual Aid Agreement within the National
6 Capital Region; and

7 (B) includes Presidential inaugurations,
8 public gatherings, demonstrations and protests,
9 and law enforcement, fire, rescue, emergency
10 health and medical services, transportation,
11 communications, public works and engineering,
12 mass care, and other support that require
13 human resources, equipment, facilities or serv-
14 ices supplemental to or greater than the re-
15 questing jurisdiction can provide.

16 (10) STATE.—The term “State” means the
17 State of Maryland, the Commonwealth of Virginia,
18 and the District of Columbia.

19 (11) TRAINING.—The term “training” means
20 emergency and public service event-related exercises,
21 testing, or other activities using equipment and per-
22 sonnel to simulate performance of any aspect of the
23 giving or receiving of aid by National Capital Region
24 jurisdictions during emergencies or public service

1 events, such actions occurring outside actual emer-
2 gency or public service event periods.

3 (b) MUTUAL AID AUTHORIZED.—

4 (1) IN GENERAL.—The Mayor of the District of
5 Columbia, any authorized representative of the Fed-
6 eral Government, the Governor of the State of Mary-
7 land, the Governor of the Commonwealth of Vir-
8 ginia, or the chief operating officer of a locality, or
9 their designees, acting within his or her jurisdic-
10 tional purview, may, subject to State law, enter into,
11 request or provide assistance under Mutual Aid
12 Agreements with localities, the Washington Metro-
13 politan Area Transit Authority, the Metropolitan
14 Washington Airports Authority, and any other gov-
15 ernmental agency or authority for—

16 (A) law enforcement, fire, rescue, emer-
17 gency health and medical services, transpor-
18 tation, communications, public works and engi-
19 neering, mass care, and resource support in an
20 emergency or public service event;

21 (B) preparing for, mitigating, managing,
22 responding to or recovering from any emer-
23 gency or public service event; and

24 (C) training for any of the activities de-
25 scribed under subparagraphs (A) and (B).

1 (2) FACILITATING LOCALITIES.—The State of
2 Maryland and the Commonwealth of Virginia are en-
3 couraged to facilitate the ability of localities to enter
4 into interstate Mutual Aid Agreements in the Na-
5 tional Capital Region under this section.

6 (3) APPLICATION AND EFFECT.—This section—

7 (A) does not apply to law enforcement se-
8 curity operations at special events of national
9 significance under section 3056(e) of title 18,
10 United States Code, or other law enforcement
11 functions of the United States Secret Service;

12 (B) does not diminish any authorities, ex-
13 press or implied, of Federal agencies to enter
14 into Mutual Aid Agreements in furtherance of
15 their Federal missions; and

16 (C) does not—

17 (i) preclude any party from entering
18 into supplementary Mutual Aid Agree-
19 ments with fewer than all the parties, or
20 with another party; or

21 (ii) affect any other agreement in ef-
22 fect before the date of enactment of this
23 Act among the States and localities, in-
24 cluding the Emergency Management As-
25 sistance Compact.

1 (4) RIGHTS DESCRIBED.—Other than as de-
2 scribed in this section, the rights and responsibilities
3 of the parties to a Mutual Aid Agreement entered
4 into under this section shall be as described in the
5 Mutual Aid Agreement.

6 (c) DISTRICT OF COLUMBIA.—

7 (1) IN GENERAL.—The District of Columbia
8 may purchase liability and indemnification insurance
9 or become self insured against claims arising under
10 a Mutual Aid Agreement authorized under this sec-
11 tion.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated such sums
14 as may be necessary to carry out paragraph (1).

15 (d) LIABILITY AND ACTIONS AT LAW.—

16 (1) IN GENERAL.—Any responding party or its
17 officers or employees rendering aid or failing to
18 render aid to the District of Columbia, the Federal
19 Government, the State of Maryland, the Common-
20 wealth of Virginia, or a locality, under a Mutual Aid
21 Agreement authorized under this section, and any
22 party or its officers or employees engaged in training
23 activities with another party under such a Mutual
24 Aid Agreement, shall be liable on account of any act
25 or omission of its officers or employees while so en-

1 gaged or on account of the maintenance or use of
2 any related equipment, facilities, or supplies, but
3 only to the extent permitted under the laws and pro-
4 cedures of the State of the party rendering aid.

5 (2) ACTIONS.—Any action brought against a
6 party or its officers or employees on account of an
7 act or omission in the rendering of aid to the Dis-
8 trict of Columbia, the Federal Government, the
9 State of Maryland, the Commonwealth of Virginia,
10 or a locality, or failure to render such aid or on ac-
11 count of the maintenance or use of any related
12 equipment, facilities, or supplies may be brought
13 only under the laws and procedures of the State of
14 the party rendering aid and only in the Federal or
15 State courts located therein. Actions against the
16 United States under this section may be brought
17 only in Federal courts.

18 (3) GOOD FAITH EXCEPTION.—

19 (A) DEFINITION.—In this paragraph, the
20 term “good faith” shall not include willful mis-
21 conduct, gross negligence, or recklessness.

22 (B) EXCEPTION.—No State or locality, or
23 its officers or employees, rendering aid to an-
24 other party, or engaging in training, under a
25 Mutual Aid Agreement shall be liable under

1 Federal law on account of any act or omission
2 performed in good faith while so engaged, or on
3 account of the maintenance or use of any re-
4 lated equipment, facilities, or supplies per-
5 formed in good faith.

6 (4) IMMUNITIES.—This section shall not abro-
7 gate any other immunities from liability that any
8 party has under any other Federal or State law.

9 (d) WORKERS COMPENSATION.—

10 (1) COMPENSATION.—Each party shall provide
11 for the payment of compensation and death benefits
12 to injured members of the emergency forces of that
13 party and representatives of deceased members of
14 such forces if such members sustain injuries or are
15 killed while rendering aid to the District of Colum-
16 bia, the Federal Government, the State of Maryland,
17 the Commonwealth of Virginia, or a locality, under
18 a Mutual Aid Agreement, or engaged in training ac-
19 tivities under a Mutual Aid Agreement, in the same
20 manner and on the same terms as if the injury or
21 death were sustained within their own jurisdiction.

22 (2) OTHER STATE LAW.—No party shall be lia-
23 ble under the law of any State other than its own
24 for providing for the payment of compensation and
25 death benefits to injured members of the emergency

1 forces of that party and representatives of deceased
 2 members of such forces if such members sustain in-
 3 juries or are killed while rendering aid to the Dis-
 4 trict of Columbia, the Federal Government, the
 5 State of Maryland, the Commonwealth of Virginia,
 6 or a locality, under a Mutual Aid Agreement or en-
 7 gaged in training activities under a Mutual Aid
 8 Agreement.

9 (e) LICENSES AND PERMITS.—If any person holds a
 10 license, certificate, or other permit issued by any respon-
 11 ding party evidencing the meeting of qualifications for pro-
 12 fessional, mechanical, or other skills and assistance is re-
 13 quested by a receiving jurisdiction, such person will be
 14 deemed licensed, certified, or permitted by the receiving
 15 jurisdiction to render aid involving such skill to meet a
 16 public service event, emergency or training for any such
 17 events.

18 **SEC. 804. ASSIGNMENT OF SPECTRUM FOR PUBLIC SAFETY.**

19 Section 309(j)(14) of the Communications Act of
 20 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the
 21 end the following:

22 “(E) EXTENSIONS NOT PERMITTED FOR
 23 CHANNELS (63, 64, 68 AND 69) REASSIGNED
 24 FOR PUBLIC SAFETY SERVICES.—Notwith-
 25 standing subparagraph (B), the Commission

1 shall not grant any extension under such sub-
2 paragraph from the limitation of subparagraph
3 (A) with respect to the frequencies assigned,
4 under section 337(a)(1), for public safety serv-
5 ices. The Commission shall take all actions nec-
6 essary to complete assignment of the electro-
7 magnetic spectrum between 764 and 776 mega-
8 hertz, inclusive, and between 794 and 806
9 megahertz, inclusive, for public safety services
10 and to permit operations by public safety serv-
11 ices on those frequencies commencing not later
12 than January 1, 2007.”.

13 **SEC. 805. URBAN AREA COMMUNICATIONS CAPABILITIES.**

14 (a) IN GENERAL.—Title V of the Homeland Security
15 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
16 at the end the following:

17 **“SEC. 510. HIGH RISK URBAN AREA COMMUNICATIONS CA-
18 PABILITIES.**

19 “The Secretary, in consultation with the Federal
20 Communications Commission and the Secretary of De-
21 fense, and with appropriate governors, mayors, and other
22 State and local government officials, shall encourage and
23 support the establishment of consistent and effective com-
24 munications capabilities in the event of an emergency in
25 urban areas determined by the Secretary to be at consist-

1 ently high levels of risk from terrorist attack. Such com-
2 munications capabilities shall ensure the ability of all lev-
3 els of government agencies, including military authorities,
4 and of first responders, hospitals, and other organizations
5 with emergency response capabilities to communicate with
6 each other in the event of an emergency. Additionally, the
7 Secretary, in conjunction with the Secretary of Defense,
8 shall develop plans to provide back-up and additional com-
9 munications support in the event of an emergency.”.

10 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
11 Section 1(b) of that Act is amended by inserting after the
12 item relating to section 509 the following:

“Sec. 510. High risk urban area communications capabilities.”.

13 **SEC. 806. PRIVATE SECTOR PREPAREDNESS.**

14 (a) **FINDINGS.**—Consistent with the report of the Na-
15 tional Commission on Terrorist Attacks Upon the United
16 States, Congress makes the following findings:

17 (1) Private sector organizations own 85 percent
18 of the Nation’s critical infrastructure and employ
19 the vast majority of the Nation’s workers.

20 (2) Unless a terrorist attack targets a military
21 or other secure government facility, the first people
22 called upon to respond will likely be civilians.

23 (3) Despite the exemplary efforts of some pri-
24 vate entities, the private sector remains largely un-
25 prepared for a terrorist attack, due in part to the

1 lack of a widely accepted standard for private sector
2 preparedness.

3 (4) Preparedness in the private sector and pub-
4 lic sector for rescue, restart and recovery of oper-
5 ations should include—

6 (A) a plan for evacuation;

7 (B) adequate communications capabilities;

8 and

9 (C) a plan for continuity of operations.

10 (5) The American National Standards Institute
11 recommends a voluntary national preparedness
12 standard for the private sector based on the existing
13 American National Standard on Disaster/Emergency
14 Management and Business Continuity Programs
15 (NFPA 1600), with appropriate modifications. This
16 standard would establish a common set of criteria
17 and terminology for preparedness, disaster manage-
18 ment, emergency management, and business con-
19 tinuity programs.

20 (6) The mandate of the Department of Home-
21 land Security extends to working with the private
22 sector, as well as government entities.

23 (b) PRIVATE SECTOR PREPAREDNESS PROGRAM.—

24 (1) IN GENERAL.—Title V of the Homeland Se-
25 curity Act of 2002 (6 U.S.C. 311 et seq.), as amend-

1 ed by section 805, is amended by adding at the end
2 the following:

3 **“SEC. 511. PRIVATE SECTOR PREPAREDNESS PROGRAM.**

4 “The Secretary shall establish a program to promote
5 private sector preparedness for terrorism and other emer-
6 gencies, including promoting the adoption of a voluntary
7 national preparedness standard such as the private sector
8 preparedness standard developed by the American Na-
9 tional Standards Institute and based on the National Fire
10 Protection Association 1600 Standard on Disaster/Emer-
11 gency Management and Business Continuity Programs.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENT.—Section 1(b) of that Act, as amended by
14 section 805, is amended by inserting after the item
15 relating to section 510 the following:

“Sec. 511. Private sector preparedness program.”.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that insurance and credit-rating industries should
18 consider compliance with the voluntary national prepared-
19 ness standard, the adoption of which is promoted by the
20 Secretary of Homeland Security under section 511 of the
21 Homeland Security Act of 2002, as added by subsection
22 (b), in assessing insurability and credit worthiness.

23 **SEC. 807. CRITICAL INFRASTRUCTURE AND READINESS AS-**
24 **SESSMENTS.**

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

1 (1) Under section 201 of the Homeland Secu-
2 rity Act of 2002 (6 U.S.C 121), the Department of
3 Homeland Security, through the Under Secretary
4 for Information Analysis and Infrastructure Protec-
5 tion, has the responsibility—

6 (A) to carry out comprehensive assess-
7 ments of the vulnerabilities of the key resources
8 and critical infrastructure of the United States,
9 including the performance of risk assessments
10 to determine the risks posed by particular types
11 of terrorist attacks within the United States;

12 (B) to identify priorities for protective and
13 supportive measures; and

14 (C) to develop a comprehensive national
15 plan for securing the key resources and critical
16 infrastructure of the United States.

17 (2) Under Homeland Security Presidential Di-
18 rective 7, issued on December 17, 2003, the Sec-
19 retary of Homeland Security was given 1 year to de-
20 velop a comprehensive plan to identify, prioritize,
21 and coordinate the protection of critical infrastruc-
22 ture and key resources.

23 (3) Consistent with the report of the National
24 Commission on Terrorist Attacks Upon the United

1 States, the Secretary of Homeland Security
2 should—

3 (A) identify those elements of the United
4 States' transportation, energy, communications,
5 financial, and other institutions that need to be
6 protected;

7 (B) develop plans to protect that infra-
8 structure; and

9 (C) exercise mechanisms to enhance pre-
10 paredness.

11 (b) REPORTS ON RISK ASSESSMENT AND READI-
12 NESS.—Not later than 180 days after the date of enact-
13 ment of this Act and annually thereafter, the Secretary
14 of Homeland Security shall submit a report to Congress
15 on—

16 (1) the Department of Homeland Security's
17 progress in completing vulnerability and risk assess-
18 ments of the Nation's critical infrastructure;

19 (2) the adequacy of the Government's plans to
20 protect such infrastructure; and

21 (3) the readiness of the Government to respond
22 to threats against the United States.

1 **SEC. 808. REPORT ON NORTHERN COMMAND AND DEFENSE**
2 **OF THE UNITED STATES HOMELAND.**

3 (a) FINDINGS.—Consistent with the report of the Na-
4 tional Commission on Terrorist Attacks Upon the United
5 States, Congress makes the following findings:

6 (1) The primary responsibility for national de-
7 fense is with the Department of Defense and the
8 secondary responsibility for national defense is with
9 the Department of Homeland Security, and the 2
10 departments must have clear delineations of respon-
11 sibility.

12 (2) Before September 11, 2001, the North
13 American Aerospace Defense Command (hereafter in
14 this section referred to as “NORAD”), which had
15 responsibility for defending United States airspace
16 on September 11, 2001—

17 (A) focused on threats coming from out-
18 side the borders of the United States; and

19 (B) had not increased its focus on ter-
20 rorism within the United States, even though
21 the intelligence community had gathered intel-
22 ligence on the possibility that terrorists might
23 turn to hijacking and even the use of airplanes
24 as missiles within the United States.

1 (3) The United States Northern Command has
2 been established to assume responsibility for defense
3 within the United States.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the Secretary of Defense should regularly
7 assess the adequacy of United States Northern Com-
8 mand’s plans and strategies with a view to ensuring
9 that the United States Northern Command is pre-
10 pared to respond effectively to all military and para-
11 military threats within the United States; and

12 (2) the Committee on Armed Services of the
13 Senate and the Committee on Armed Services of the
14 House of Representatives should periodically review
15 and assess the adequacy of such plans and strate-
16 gies.

17 (c) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, and every 180 days there-
19 after, the Secretary of Defense shall submit to the Com-
20 mittee on Armed Services of the Senate and the Com-
21 mittee on Armed Services of the House of Representatives
22 a report describing the United States Northern Com-
23 mand’s plans and strategies to defend the United States
24 against military and paramilitary threats within the
25 United States.

1 **TITLE IX—PROTECTION OF**
2 **CIVIL LIBERTIES**

3 **SEC. 901. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
4 **BOARD.**

5 (a) **IN GENERAL.**—There is established within the
6 Executive Office of the President a Privacy and Civil Lib-
7 erties Oversight Board (referred to in this title as the
8 “Board”).

9 (b) **FINDINGS.**—Consistent with the report of the Na-
10 tional Commission on Terrorist Attacks Upon the United
11 States, Congress makes the following findings:

12 (1) In conducting the war on terrorism, the
13 Government may need additional powers and may
14 need to enhance the use of its existing powers.

15 (2) This shift of power and authority to the
16 Government calls for an enhanced system of checks
17 and balances to protect the precious liberties that
18 are vital to our way of life and to ensure that the
19 Government uses its powers for the purposes for
20 which the powers were given.

21 (c) **PURPOSE.**—The Board shall—

22 (1) analyze and review actions the Executive
23 Branch takes to protect the Nation from terrorism;
24 and

1 (2) ensure that liberty concerns are appro-
2 priately considered in the development and imple-
3 mentation of laws, regulations, and policies related
4 to efforts to protect the Nation against terrorism.

5 (d) FUNCTIONS.—

6 (1) ADVICE AND COUNSEL ON POLICY DEVEL-
7 OPMENT AND IMPLEMENTATION.—The Board
8 shall—

9 (A) review proposed legislation, regula-
10 tions, and policies related to efforts to protect
11 the Nation from terrorism, including the devel-
12 opment and adoption of information sharing
13 guidelines under section 201(e);

14 (B) review the implementation of new and
15 existing legislation, regulations, and policies re-
16 lated to efforts to protect the Nation from ter-
17 rorism, including the implementation of infor-
18 mation sharing guidelines under section 201(e);

19 (C) advise the President and Federal execu-
20 tive departments and agencies to ensure that
21 privacy and civil liberties are appropriately con-
22 sidered in the development and implementation
23 of such legislation, regulations, policies, and
24 guidelines; and

1 (D) in providing advice on proposals to re-
2 tain or enhance a particular governmental
3 power, consider whether the executive depart-
4 ment or agency has explained—

5 (i) that the power actually materially
6 enhances security; and

7 (ii) that there is adequate supervision
8 of the executive's use of the power to en-
9 sure protection of civil liberties.

10 (2) OVERSIGHT.—The Board shall continually
11 review—

12 (A) the regulations, policies, and proce-
13 dures and the implementation of the regula-
14 tions, policies, procedures, and related laws of
15 Federal executive departments and agencies to
16 ensure that privacy and civil liberties are pro-
17 tected;

18 (B) the information sharing practices of
19 Federal executive departments and agencies to
20 determine whether they appropriately protect
21 privacy and civil liberties and adhere to the in-
22 formation sharing guidelines promulgated under
23 section 201(e) and to other governing laws, reg-
24 ulations, and policies regarding privacy and civil
25 liberties; and

1 (C) other actions by the Executive Branch
2 related to efforts to protect the Nation from
3 terrorism to determine whether such actions—

4 (i) appropriately protect privacy and
5 civil liberties; and

6 (ii) are consistent with governing
7 laws, regulations, and policies regarding
8 privacy and civil liberties.

9 (3) RELATIONSHIP WITH PRIVACY AND CIVIL
10 LIBERTIES OFFICERS.—The Board shall review and
11 assess the activities of privacy and civil liberties offi-
12 cers described in section 902 and, where appro-
13 priate, shall coordinate their activities.

14 (e) REPORTS.—

15 (1) IN GENERAL.—The Board shall—

16 (A) receive and review reports from privacy
17 and civil liberties officers described in section
18 902; and

19 (B) periodically submit, not less than semi-
20 annually, reports to Congress and the Presi-
21 dent.

22 (2) CONTENTS.—Not less than 2 reports sub-
23 mitted each year under paragraph (1)(B) shall in-
24 clude—

1 (A) a description of the major activities of
2 the Board during the relevant period; and

3 (B) information on the findings, conclu-
4 sions, and recommendations of the Board re-
5 sulting from its advice and oversight functions
6 under subsection (d).

7 (f) INFORMING THE PUBLIC.—The Board shall
8 hold public hearings, release public reports, and oth-
9 erwise inform the public of its activities, as appro-
10 priate and in a manner consistent with the protec-
11 tion of classified information and applicable law.

12 (g) ACCESS TO INFORMATION.—

13 (1) AUTHORIZATION.—If determined by the
14 Board to be necessary to carry out its responsibil-
15 ities under this section, the Board may—

16 (A) secure directly from any Federal execu-
17 tive department or agency, or any Federal of-
18 ficer or employee, all relevant records, reports,
19 audits, reviews, documents, papers, or rec-
20 ommendations, including classified information
21 consistent with applicable law;

22 (B) interview, take statements from, or
23 take public testimony from personnel of any
24 Federal executive department or agency or any
25 Federal officer or employee;

1 (C) request information or assistance from
2 any State, tribal, or local government; and

3 (D) require, by subpoena, persons other
4 than Federal executive departments and agen-
5 cies to produce any relevant information, docu-
6 ments, reports, answers, records, accounts, pa-
7 pers, and other documentary or testimonial evi-
8 dence.

9 (2) ENFORCEMENT OF SUBPOENA.—In the case
10 of contumacy or failure to obey a subpoena issued
11 under paragraph (1)(D), the United States district
12 court for the judicial district in which the subpoe-
13 naed person resides, is served, or may be found may
14 issue an order requiring such person to produce the
15 evidence required by such subpoena.

16 (h) MEMBERSHIP.—

17 (1) MEMBERS.—The Board shall be composed
18 of a chairman and 4 additional members, who shall
19 be appointed by the President, by and with the ad-
20 vice and consent of the Senate.

21 (2) QUALIFICATIONS.—Members of the Board
22 shall be selected solely on the basis of their profes-
23 sional qualifications, achievements, public stature,
24 and relevant experience, and without regard to polit-
25 ical affiliation.

1 (3) INCOMPATIBLE OFFICE.—An individual ap-
2 pointed to the Board may not, while serving on the
3 Board, be an elected official, an officer, or an em-
4 ployee of the Federal Government, other than in the
5 capacity as a member of the Board.

6 (i) COMPENSATION AND TRAVEL EXPENSES.—

7 (1) COMPENSATION.—

8 (A) CHAIRMAN.—The chairman shall be
9 compensated at a rate equal to the daily equiva-
10 lent of the annual rate of basic pay in effect for
11 a position at level III of the Executive Schedule
12 under section 5314 of title 5, United States
13 Code, for each day during which the chairman
14 is engaged in the actual performance of the du-
15 ties of the Board.

16 (B) MEMBERS.—Each member of the
17 Board shall be compensated at a rate equal to
18 the daily equivalent of the annual rate of basic
19 pay in effect for a position at level IV of the
20 Executive Schedule under section 5315 of title
21 5, United States Code, for each day during
22 which that member is engaged in the actual
23 performance of the duties of the Board.

24 (2) TRAVEL EXPENSES.—Members of the
25 Board shall be allowed travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for
2 persons employed intermittently by the Government
3 under section 5703(b) of title 5, United States Code,
4 while away from their homes or regular places of
5 business in the performance of services for the
6 Board.

7 (j) STAFF.—

8 (1) APPOINTMENT AND COMPENSATION.—The
9 Chairman, in accordance with rules agreed upon by
10 the Board, shall appoint and fix the compensation of
11 an executive director and such other personnel as
12 may be necessary to enable the Board to carry out
13 its functions, without regard to the provisions of
14 title 5, United States Code, governing appointments
15 in the competitive service, and without regard to the
16 provisions of chapter 51 and subchapter III of chap-
17 ter 53 of such title relating to classification and
18 General Schedule pay rates, except that no rate of
19 pay fixed under this subsection may exceed the
20 equivalent of that payable for a position at level V
21 of the Executive Schedule under section 5316 of title
22 5, United States Code.

23 (2) DETAILEES.—Any Federal employee may
24 be detailed to the Board without reimbursement
25 from the Board, and such detailee shall retain the

1 rights, status, and privileges of the detailee's regular
2 employment without interruption.

3 (3) CONSULTANT SERVICES.—The Board may
4 procure the temporary or intermittent services of ex-
5 perts and consultants in accordance with section
6 3109 of title 5, United States Code, at rates that do
7 not exceed the daily rate paid a person occupying a
8 position at level IV of the Executive Schedule under
9 section 5315 of such title.

10 (k) SECURITY CLEARANCES.—The appropriate Fed-
11 eral executive departments and agencies shall cooperate
12 with the Board to expeditiously provide the Board mem-
13 bers and staff with appropriate security clearances to the
14 extent possible under existing procedures and require-
15 ments, except that no person shall be provided with access
16 to classified information under this section without the ap-
17 propriate security clearances.

18 (l) TREATMENT AS AGENCY, NOT AS ADVISORY COM-
19 MITTEE.—The Board—

20 (1) is an agency (as defined in section 551(1)
21 of title 5, United States Code); and

22 (2) is not an advisory committee (as defined in
23 section 3(2) of the Federal Advisory Committee Act
24 (5 U.S.C. App.)).

1 (m) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.

4 **SEC. 902. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

5 (a) DESIGNATION AND FUNCTIONS.—The Attorney
6 General, Secretary of Defense, Secretary of Homeland Se-
7 curity, Secretary of State, Secretary of the Treasury, Sec-
8 retary of Health and Human Services, National Intel-
9 ligence Director, Director of the Central Intelligence
10 Agency, and the head of any other executive department
11 or agency designated by the Privacy and Civil Liberties
12 Oversight Board to be appropriate for coverage under this
13 section shall designate not less than 1 senior officer to—

14 (1) assist the department or agency head and
15 other department or agency officials in appropriately
16 considering privacy and civil liberties concerns when
17 such officials are proposing, developing, or imple-
18 menting laws, regulations, policies, procedures, or
19 guidelines related to efforts to protect the Nation
20 against terrorism;

21 (2) periodically investigate and review depart-
22 ment or agency actions, policies, procedures, guide-
23 lines, and related laws and their implementation to
24 ensure that the department or agency is adequately
25 considering privacy and civil liberties in its actions;

1 (3) ensure that the department or agency has
2 adequate procedures to receive, investigate, and re-
3 spond to complaints from individuals who allege the
4 department or agency has violated their privacy or
5 civil liberties; and

6 (4) in providing advice on proposals to retain or
7 enhance a particular governmental power the officer
8 shall consider whether the department or agency has
9 explained—

10 (i) that the power actually materially
11 enhances security; and

12 (ii) that there is adequate supervision
13 of the department's or agency's use of the
14 power to ensure protection of civil liberties.

15 (b) EXCEPTION TO DESIGNATION AUTHORITY.—

16 (1) PRIVACY OFFICERS.—In any department or
17 agency referenced in subsection (a) or designated by
18 the Board, which has a statutorily created privacy
19 officer, such officer shall perform the functions spec-
20 ified in subsection (a) with respect to privacy.

21 (2) CIVIL LIBERTIES OFFICERS.—In any de-
22 partment or agency referenced in subsection (a) or
23 designated by the Board, which has a statutorily
24 created civil liberties officer, such officer shall per-

1 form the functions specified in subsection (a) with
2 respect to civil liberties.

3 (c) SUPERVISION AND COORDINATION.—Each pri-
4 vacy or civil liberties officer described in subsection (a)
5 or (b) shall—

6 (1) report directly to the department or agency
7 head; and

8 (2) coordinate their activities with the Inspector
9 General of the agency to avoid duplication of effort.

10 (d) AGENCY COOPERATION.—Each department or
11 agency head shall ensure that each privacy and civil lib-
12 erties officer—

13 (1) has the information and material necessary
14 to fulfill the officer's functions;

15 (2) is advised of proposed policy changes;

16 (3) is consulted by decision makers; and

17 (4) is given access to material and personnel
18 the officer determines to be necessary to carry out
19 the officer's functions.

20 (e) PERIODIC REPORTS.—

21 (1) IN GENERAL.—The privacy and civil lib-
22 erties officers of each department or agency ref-
23 erenced or designated under subsection (a) shall pe-
24 riodically, but not less than quarterly, submit a re-
25 port on the officers' activities to Congress, the de-

1 partment or agency head, and the Privacy and Civil
2 Liberties Oversight Board.

3 (2) CONTENTS.—Each report submitted under
4 paragraph (1) shall include information on the dis-
5 charge of each of the officer’s functions, including—

6 (A) information on the number and types
7 of reviews undertaken;

8 (B) the type of advice provided and the re-
9 sponse given to such advice;

10 (C) the number and nature of the com-
11 plaints received by the agency for alleged viola-
12 tions; and

13 (D) a summary of the disposition of such
14 complaints, the reviews and inquiries conducted,
15 and the impact of the officer’s activities.

Calendar No. 692

108TH CONGRESS
2D SESSION

S. 2774

A BILL

To implement the recommendations of the National
Commission on Terrorist Attacks Upon the
United States, and for other purposes.

SEPTEMBER 8, 2004

Read the second time and placed on the calendar