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2D SESSION

S. 3875

To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7 (legislative day, SEPTEMBER 6), 2006

Mr. REID (for himself and Mr. DURBIN) introduced the following bill; which was read the first time

SEPTEMBER 8, 2006

Read the second time and placed on the calendar

A BILL

To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Real Security Act of 2006''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

DIVISION B—COMBATTING TERRORISM

DIVISION C—INTELLIGENCE AUTHORIZATIONS

DIVISION D—TRANSPORTATION SECURITY

DIVISION E—A NEW DIRECTION IN IRAQ

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

Sec. 101. Short title.
Sec. 102. Definition of 9/11 Commission.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

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Sec. 101. Adequate radio spectrum for first responders.
Sec. 102. Report on establishing a unified incident command system.
Sec. 103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
Sec. 104. Private sector preparedness.
Sec. 105. Relevant congressional committees defined.

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Sec. 112. Findings.
Sec. 113. Faster and Smarter Funding for First Responders.
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Sec. 117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Subtitle B—Transportation Security

Sec. 121. Report on national strategy for transportation security.
Sec. 122. Report on airline passenger pre-screening.
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Sec. 131. Counterterrorist travel intelligence.
Sec. 132. Comprehensive screening system.
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Sec. 134. International collaboration on border and document security.
Sec. 135. Standardization of secure identification.
Sec. 136. Security enhancements for social security cards.

Subtitle D—Homeland Security Appropriations

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TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

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Sec. 203. Report on creation of a Federal Bureau of Investigation national security workforce.
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Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
Sec. 207. Homeland airspace defense.
Sec. 208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
Sec. 209. Relevant congressional committees defined.

Subtitle B—Civil Liberties and Executive Power

Sec. 211. Report on the balance between security and civil liberties.
Sec. 212. Privacy and Civil Liberties Oversight Board.
Sec. 213. Set privacy guidelines for Government sharing of personal information.
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Sec. 232. Subcommittee related to intelligence appropriations.
Sec. 233. Effective date.

Subtitle D—Standardize Security Clearances

Sec. 241. Standardization of security clearances.

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Sec. 302. Actions to support Pakistan against extremists.
Sec. 303. Actions to support reform in Saudi Arabia.
Sec. 304. Elimination of terrorist sanctuaries.
Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
Sec. 306. Standards for the detention and humane treatment of captured terrorists.
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DIVISION I—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Ensuring Implementation of the 9/11 Commission Report Act''.

SEC. 102. DEFINITION OF 9/11 COMMISSION.

In this division, the term ''9/11 Commission'' means the National Commission on Terrorist Attacks Upon the United States.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

SEC. 101. ADEQUATE RADIO SPECTRUM FOR FIRST RESPONDERS.

(a) SHORT TITLE.—This chapter may be cited as the ''Homeland Emergency Response Operations Act'' or the ''HERO Act''.

(b) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following new subparagraph:

''(E) EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, pursuant to section 337(a)(1), for public safety services.

The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing no later than January 1, 2007.''.

SEC. 102. REPORT ON ESTABLISHING A UNIFIED INCIDENT COMMAND SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to establishing a unified incident command system. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 103. REPORT ON COMPLETING A NATIONAL CRITICAL INFRASTRUCTURE RISK AND VULNERABILITIES ASSESSMENT.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completing a national critical infrastructure risk and vulnerabilities assessment. Such report shall include—

(1) a certification by the Secretary of Homeland Security that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of Homeland Security expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 104. PRIVATE SECTOR PREPAREDNESS.

The Comptroller General of the United States shall submit to Congress by not later than 90 days after the date of the enactment of this Act—

(1) a determination of what has been done to enhance private sector preparedness for terrorist attack; and

(2) recommendations of any additional congressional action or administrative action that is necessary to enhance such preparedness.

SEC. 105. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this chapter, the term ''relevant congressional committees'' means the Committee on Homeland Security, the Committee on Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs and the Committee on Environment and Public Works of the Senate.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

SEC. 111. SHORT TITLE.

This chapter may be cited as the ''Faster and Smarter Funding for First Responders Act of 2006''.

SEC. 112. FINDINGS.

Congress makes the following findings:

(1) In order to achieve its objective of preventing, minimizing the damage from, and assisting in the recovery from terrorist attacks, the Department of Homeland Security must play a leading role in assisting communities to reach the level of pre-

paredness they need to prevent and respond to a terrorist attack.

(2) First responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.

(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism preparedness, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest ex-

tent practicable, with existing State and local emergency management plans.

(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

(7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.

(8) An essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities that every jurisdiction in the United States should possess or to which it should have access.

(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine

the nature and extent of State and local first responder needs, to identify the human and financial resources required to fulfill them, to direct funding to meet those needs, and to measure preparedness levels on a national scale.

(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.

(11) Private sector resources and citizen volunteers can perform critical functions in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.

(13) An important aspect of terrorism preparedness is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism.

(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the equipment and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 113. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"Sec. 1801. Definitions.
"Sec. 1802. Faster and Smarter Funding for First Responders.
"Sec. 1803. Covered grant eligibility and criteria.
"Sec. 1804. Risk-based evaluation and prioritization.
"Sec. 1805. Task Force on Terrorism Preparedness for First Responders.
"Sec. 1806. Use of funds and accountability requirements.

"Sec. 1807. National standards for first responder equipment and training."; and

and

(2) by adding at the end the following:

"TITLE XVIII—FUNDING FOR FIRST RESPONDERS

"SEC. 1801. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1804.

"(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

"(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to

calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert

T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, respond to, and recover from acts of terrorism consistent with established practices.

"(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

"(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(9) REGION.—The term 'region' means—

"(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments

that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

"(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this title with the consent of—

"(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

"(ii) the incorporated municipalities, counties, and parishes that they encompass.

"(10) TASK FORCE.—The term 'Task Force' means the Task Force on Terrorism Preparedness for First Responders established under section 1805.

"(11) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

"SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

"(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

"(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

"(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

"(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Haz-

ards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

"(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for terrorism preparedness established by the Secretary.

"(c) STATE HOMELAND SECURITY PLANS.—

"(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

"(A) describes the essential capabilities that communities within the State should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities, in order to meet the Department's goals for terrorism preparedness;

"(B) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

"(C) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

"(D) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

"(E) describes how the State intends—

"(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

"(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

"(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

"(F) with respect to the emergency preparedness of first responders, addresses the

unique aspects of terrorism as part of a comprehensive State emergency management plan; and

"(G) provides for coordination of response and recovery efforts at the local level, including procedures for effective incident command in conformance with the National Incident Management System.

"(2) CONSULTATION.—The State plan submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

"(3) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(4) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

"(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated

manner, the applicable State homeland security plan or plans.

"(e) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

"(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities for terrorism preparedness specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all par-

ticipating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

"(iii) a designation of a specific individual to serve as regional liaison;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

"(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

"(5) REGIONAL APPLICATIONS.—

"(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

"(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute

a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. However in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional

award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) TRIBAL APPLICATIONS.—

"(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any applica-

tion of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to

receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

"(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"SEC. 1804. RISK-BASED EVALUATION AND PRIORITIZATION.

"(a) FIRST RESPONDER GRANTS BOARD.—

"(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

"(A) the Secretary;

"(B) the Under Secretary for Emergency Preparedness and Response;

"(C) the Under Secretary for Border and Transportation Security;

"(D) the Under Secretary for Information Analysis and Infrastructure Protection;

"(E) the Under Secretary for Science and Technology;

"(F) the Director of the Office for Domestic Preparedness;

"(G) the Administrator of the United States Fire Administration; and

"(H) the Administrator of the Animal and Plant Health Inspection Service.

"(2) CHAIRMAN.—

"(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

"(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

"(b) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in subsection (a)(1) shall seek to ensure that the relevant expertise and input of the

staff of their directorates are available to and considered by the Board.

"(c) PRIORITIZATION OF GRANT APPLICATIONS.—

"(1) FACTORS TO BE CONSIDERED.—The Board shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States. The Board shall coordinate with State, local, regional, and tribal officials in establishing criteria for evaluating and prioritizing applications for covered grants.

"(2) CRITICAL INFRASTRUCTURE SECTORS.—The Board specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

"(A) Agriculture and food.

"(B) Banking and finance.

"(C) Chemical industries.

"(D) The defense industrial base.

"(E) Emergency services.

"(F) Energy.

"(G) Government facilities.

"(H) Postal and shipping.

"(I) Public health and health care.

"(J) Information technology.

"(K) Telecommunications.

"(L) Transportation systems.

"(M) Water.

"(N) Dams.

"(O) Commercial facilities.

"(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

"(3) TYPES OF THREAT.—The Board specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

"(A) Biological threats.

"(B) Nuclear threats.

"(C) Radiological threats.

"(D) Incendiary threats.

"(E) Chemical threats.

"(F) Explosives.

"(G) Suicide bombers.

"(H) Cyber threats.

"(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

"(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Board shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Board shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

"(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Board shall ensure that, for each fiscal year—

"(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

"(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D);

"(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under section 1803(c)(1)(D); and

"(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under section 1803(e)(6)(A) or does not approve at least one such application.

"(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

"(A) having a significant international land border; or

"(B) adjoining a body of water within North America through which an international boundary line extends.

"(d) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 1803(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (c)(5) of this section.

"SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS FOR FIRST RESPONDERS.

"(a) ESTABLISHMENT.—To assist the Secretary in updating, revising, or replacing essential capabilities for terrorism preparedness, the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Terrorism Preparedness for First Responders.

"(b) UPDATE, REVISE, OR REPLACE.—The Secretary shall regularly update, revise, or replace the essential capabilities for terrorism preparedness as necessary, but not less than every 3 years.

"(c) REPORT.—

"(1) IN GENERAL.—The Task Force shall submit to the Secretary, by not later than 12 months after its establishment by the Secretary under subsection (a) and not later than every 2 years thereafter, a report on its recommendations for essential capabilities for terrorism preparedness.

"(2) CONTENTS.—Each report shall—

"(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

"(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

"(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

"(D) include such additional matters as the Secretary may specify in order to further

the terrorism preparedness capabilities of first responders; and

"(E) include such revisions to the contents of previous reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

"(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities for terrorism preparedness are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

"(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

"(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into ac-

count any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent, prepare for, respond to, or recover from terrorist attacks.

"(d) MEMBERSHIP.—

"(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

"(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

"(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in

providing mental health care during emergency response operations;

"(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

"(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

"(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate such selection with the Secretary of Health and Human Services.

"(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members

of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 App. U.S.C.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness;

''(2) exercises to strengthen terrorism preparedness;

''(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

"(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

"(5) establishing or enhancing mechanisms for sharing terrorism threat information;

"(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

"(7) additional personnel costs resulting from—

"(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

"(B) travel to and participation in exercises and training in the use of equipment and on prevention activities; and

"(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities;

"(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

"(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

"(A) $1,000,000 per project; or

"(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

"(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

"(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

"(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

"(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

"(14) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

"(15) other appropriate activities as determined by the Secretary.

"(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

"(1) to supplant State or local funds;

"(2) to construct buildings or other physical facilities;

"(3) to acquire land; or

"(4) for any State or local government cost sharing contribution.

"(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary.

"(d) REIMBURSEMENT OF COSTS.—(1) In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(2) An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

"(e) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

"(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

"(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

"(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds

having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

"(2) COST SHARING.—

"(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

"(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

"(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor

1 services, administrative costs, equipment fuel
2 and maintenance, and rental space.
3 "(3) CERTIFICATIONS REGARDING DISTRIBU-
4 TION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
5 Any State that receives a covered grant shall certify
6 to the Secretary, by not later than 30 days after the
7 expiration of the period described in paragraph (1)
8 with respect to the grant, that the State has made
9 available for expenditure by local governments, first
10 responders, and other local groups the required
11 amount of grant funds pursuant to paragraph (1).
12 "(4) QUARTERLY REPORT ON HOMELAND SECU-
13 RITY SPENDING.—The Federal share described in
14 paragraph (2)(A) may be increased by up to 2 per-
15 cent for any State, region, or directly eligible tribe
16 that, not later than 30 days after the end of each
17 fiscal quarter, submits to the Secretary a report on
18 that fiscal quarter. Each such report must include,
19 for each recipient of a covered grant or a pass-
20 through under paragraph (1)—
21 "(A) the amount obligated to that recipient
22 in that quarter;
23 "(B) the amount expended by that recipi-
24 ent in that quarter; and

"(C) a summary description of the items purchased by such recipient with such amount.

"(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

"(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

"(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

"(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

"(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

"(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

"(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

"(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

"(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

"(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

"(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

"(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

"(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

"(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

"(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

"(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

"(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1803(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detri-

mental impact on such entities' terrorism preparedness efforts.

"(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

"(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

"(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

"(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

"(iii) the local government complies with subparagraphs (B) and (C).

"(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

"(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

"(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

"(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

"(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

"(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

"(i) shall not affect any payment to another local government under this paragraph; and

"(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

"(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this

paragraph by not later than 15 days after the date the request is received by the Department.

"(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by January 31 of each year covering the preceding fiscal year—

"(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

"(2) containing information on the use of such grant funds by grantees; and

"(3) describing—

"(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

"(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.

"SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

"(a) EQUIPMENT STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of the enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

"(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

"(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

"(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

"(D) shall cover all appropriate uses of the equipment.

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

"(A) Thermal imaging equipment.

"(B) Radiation detection and analysis equipment.

"(C) Biological detection and analysis equipment.

"(D) Chemical detection and analysis equipment.

"(E) Decontamination and sterilization equipment.

"(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

"(G) Respiratory protection equipment.

"(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

"(I) Explosive mitigation devices and explosive detection and analysis equipment.

"(J) Containment vessels.

"(K) Contaminant-resistant vehicles.

"(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

"(b) TRAINING STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

"(A) enable first responders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

"(B) familiarize first responders with the proper use of equipment, including software,

developed pursuant to the standards established under subsection (a).

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

"(A) Regional planning.

"(B) Joint exercises.

"(C) Intelligence collection, analysis, and sharing.

"(D) Emergency notification of affected populations.

"(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

"(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

"(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

"(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus

standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

"(1) the National Institute of Standards and Technology;

"(2) the National Fire Protection Association;

"(3) the National Association of County and City Health Officials;

"(4) the Association of State and Territorial Health Officials;

"(5) the American National Standards Institute;

"(6) the National Institute of Justice;

"(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

"(8) the National Public Health Performance Standards Program;

"(9) the National Institute for Occupational Safety and Health;

"(10) ASTM International;

"(11) the International Safety Equipment Association;

"(12) the Emergency Management Accreditation Program; and

"(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

"(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.".

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

SEC. 114. SUPERSEDED PROVISION.

This chapter supersedes section 1014(c)(3) of Public Law 107–56.

SEC. 115. OVERSIGHT.

The Secretary of Homeland Security shall establish within the Office for Domestic Preparedness an Office of the Comptroller to oversee the grants distribution process and the financial management of the Office for Domestic Preparedness.

SEC. 116. GAO REPORT ON AN INVENTORY AND STATUS OF HOMELAND SECURITY FIRST RESPONDER TRAINING.

(a) IN GENERAL.—The Comptroller General of the United States shall report to Congress in accordance with this section—

(1) on the overall inventory and status of first responder training programs of the Department of Homeland Security and other departments and agencies of the Federal Government; and

(2) the extent to which such programs are coordinated.

(b) CONTENTS OF REPORTS.—The reports under this section shall include—

(1) an assessment of the effectiveness of the structure and organization of such training programs;

(2) recommendations to—

(A) improve the coordination, structure, and organization of such training programs; and

(B) increase the availability of training to first responders who are not able to attend centralized training programs;

(3) the structure and organizational effectiveness of such programs for first responders in rural communities;

(4) identification of any duplication or redundancy among such programs;

(5) a description of the use of State and local training institutions, universities, centers, and the National Domestic Preparedness Consortium in designing and providing training;

(6) a cost-benefit analysis of the costs and time required for first responders to participate in training courses at Federal institutions;

(7) an assessment of the approval process for certifying non-Department of Homeland Security training courses that are useful for anti-terrorism purposes as eligible for grants awarded by the Department;

(8) a description of the use of Department of Homeland Security grant funds by States and local governments to acquire training;

(9) an analysis of the feasibility of Federal, State, and local personnel to receive the training that is necessary to adopt the National Response Plan and the National Incident Management System; and

(10) the role of each first responder training institution within the Department of Homeland Security in the design and implementation of terrorism preparedness and related training courses for first responders.

(c) DEADLINES.—The Comptroller General shall—

(1) submit a report under subsection (a)(1) by not later than 60 days after the date of the enactment of this Act; and

(2) submit a report on the remainder of the topics required by this section by not later than 120 days after the date of the enactment of this Act.

SEC. 117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire

company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term ''person'' includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ''fire control or fire rescue equipment'' includes any fire vehicle, fire fighting tool, communica-

tions equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term ''volunteer fire company'' means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

Subtitle B—Transportation Security

SEC. 121. REPORT ON NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to completion of a national strategy for transportation security. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in such subsection (e) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 122. REPORT ON AIRLINE PASSENGER PRE-SCREENING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Pre-

vention Act of 2004 (Public Law 108–458) with respect to improving airline passenger pre-screening. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the sub-

mission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 123. REPORT ON DETECTION OF EXPLOSIVES AT AIRLINE SCREENING CHECKPOINTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the improvement of airline screening checkpoints to detect explosives. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 124. REPORT ON COMPREHENSIVE SCREENING PROGRAM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Transportation shall submit to the relevant congressional committees a report

on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to implementation of a comprehensive screening program. Such report shall include—

(1) a certification by the Secretary of Transportation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Transportation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 125. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means—

(1) the Committee on Homeland Security of the House of Representatives;

(2) the Committee on Government Reform of the House of Representatives;

(3) the Committee on Transportation and Infrastructure of the House of Representatives;

(4) the Committee on Homeland Security and Government Affairs of the Senate; and

(5) the Committee on Environment and Public Works of the Senate.

Subtitle C—Border Security

SEC. 131. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the National Counterterrorism Center shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to improving collection and analysis of intelligence on terrorist travel. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the National Counterterrorism Center is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Director of the National Counterterrorism Center to submit a report under subsection (a) shall terminate when the Secretary submits a certification pursuant to subsection (a)(1). The duty of the Director of National Intelligence to submit a report under subsection (a) shall terminate when the Director submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the National Counterterrorism submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Select Committee on Intelligence of the Senate.

(7) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 132. COMPREHENSIVE SCREENING SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Transportation shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of the comprehensive screening system de-

scribed in Presidential Homeland Security Directive 11 (dated August 27, 2004). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Transportation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of Transportation to submit a report under subsection (a) shall termi-

nate when the Secretary of Transportation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Transportation both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on Transportation and Infrastructure of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

SEC. 133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the completion of a biometric entry and exit data system. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of Homeland Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate.

(5) The Committee on the Judiciary of the Senate.

SEC. 134. INTERNATIONAL COLLABORATION ON BORDER AND DOCUMENT SECURITY.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of State shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to international collaboration on border and document security. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress considered necessary to im-

plement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty of the Secretary of Homeland Security to submit a report under subsection (a) shall terminate when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1). The duty of the Secretary of State to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of State both submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) WATCH LIST.—The Comptroller General shall submit to the relevant congressional committees a report assessing the sharing of the consolidated and integrated terrorist watch list maintained by the Federal Government with countries designated to participate in the visa waiver

program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(e) FINGERPRINTING IN DOMESTIC AND FOREIGN PASSPORTS.—

(1) USE IN UNITED STATES PASSPORTS.—

(A) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting after ''passport'' the following: ''that contains the fingerprints of the citizen involved''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to passports issued on or after the date that is 90 days after the date of the enactment of this Act.

(2) USE IN FOREIGN PASSPORTS.—

(A) IN GENERAL.—Section 212(a)(7) of such Act (8 U.S.C. 1182(a)(7)) is amended by adding at the end the following new subparagraph:

''(C) REQUIREMENT FOR FINGERPRINTS ON PASSPORTS.—No passport of an alien shall be considered valid for purposes of subparagraph (A) or (B) unless the passport contains the fingerprints of the alien.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to aliens applying for admission to the United States on or after the date that is 90 days after the date of the enactment of this Act.

(f) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the International Relations of the House of Representatives.

(4) The Committee on the Judiciary of the House of Representatives.

(5) The Committee on Homeland Security and Governmental Affairs of the Senate.

(6) The Committee on the Judiciary of the Senate.

(7) The Committee on Foreign Relations of the Senate.

SEC. 135. STANDARDIZATION OF SECURE IDENTIFICATION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every

30 days thereafter, the Secretary of Homeland Security and the Secretary of Health and Human Services shall each submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the establishment of standardization of secure identification. Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if either the Secretary of Homeland Security or the Secretary of Health and Human Services is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate—

(1) for the Secretary of Homeland Security, when the Secretary of Homeland Security submits a certification pursuant to subsection (a)(1); and

(2) for the Secretary of Health and Human Services, when the Secretary of Health and Human Services submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of Homeland Security and the Secretary of Health and Human Services submit certifications pursuant to subsection (a)(1), not later than 30 days after the submission of such certifications, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 136. SECURITY ENHANCEMENTS FOR SOCIAL SECURITY CARDS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Commissioner of Social Security shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security enhancements for social security cards and the implementation of section 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)). Each such report shall include—

(1) a certification that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Commissioner of Social Security is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when such recommendations are expected to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Commissioner considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Commissioner of Social Security submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Commissioner of Social Security submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform of the House of Representatives.

(3) The Committee on the Judiciary of the House of Representatives.

(4) The Committee on Ways and Means of the House of Representatives.

(5) The Committee on Finance of the Senate.

(6) The Committee on Homeland Security and Governmental Affairs of the Senate.

Subtitle D—Homeland Security Appropriations

SEC. 141. HOMELAND SECURITY APPROPRIATIONS.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Salaries and Expenses'', $571,000,000 for necessary expenses for border security, including for air asset replacement and air operations facilities upgrade, the acquisition, lease, mainte-

nance, and operation of vehicles. construction, and radiation portal monitors.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for citizenship and immigration services, $87,000,000 for necessary expenses, including for business transformation and fraud detection.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for ''Aviation Security'', $305,000,000 for necessary expenses, of which—

(1) $250,000,000 shall be made available for aviation security, including the procurement of explosives monitoring equipment; and

(2) $55,000,000 shall be made available for air cargo security, including cargo canine teams and inspectors.

UNITED STATES COAST GUARD

For an additional amount for ''Acquisition, Construction, and Improvements'', $184,000,000 for necessary expenses for the Integrated Deepwater Systems Program for the purchase of ships, planes, and helicopters.

For an additional amount for ''Operating Expenses'', $23,000,000 for necessary expenses for additional inspectors at foreign and domestic ports.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for ''State and Local Programs'', $2,880,000,000 for necessary expenses, of which—

(1) $790,000,000 shall be made available for first responder grants;

(2) $500,000,000 shall be made available for interoperability grants;

(3) $100,000,000 shall be made available for chemical security grants;

(4) $1,200,000,000 shall be made available for rail security grants;

(5) $190,000,000 shall be made available for port security grants; and

(6) $100,000,000 shall be made available for emergency management performance grants.

FEDERAL EMERGENCY MANAGEMENT AGENCY

For an additional amount for ''Readiness, Mitigation, Response, and Recovery'', $50,000,000 for necessary expenses.

For an additional amount for ''National Pre-Disaster Mitigation Fund'', $100,000,000 for necessary expenses.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTELLIGENCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DNI EXERCISE OF AUTHORITY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall sub-

mit to the relevant congressional committees a report on whether—

(A) the Director of National Intelligence has been able to properly exercise the authority of the Office of the Director of National Intelligence, including budget and personnel authority; and

(B) information sharing among the intelligence community is a high priority.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of National Intelligence have been achieved.

SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM CENTER.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Ter-

1 rorism Prevention Act of 2004 (Public Law 108–458)
2 with respect to the establishment of a National
3 Counterterrorism Center. Such report shall include—
4 (1) a certification by the Director of National
5 Intelligence that such recommendations have been
6 implemented and such policy goals have been
7 achieved; or
8 (2) if the Director of National Intelligence is
9 unable to make the certification described in para-
10 graph (1), a description of—
11 (A) the steps taken to implement such rec-
12 ommendations and achieve such policy goals;
13 (B) when the Director of National Intel-
14 ligence expects such recommendations to be im-
15 plemented and such policy goals to be achieved;
16 and
17 (C) any allocation of resources or other ac-
18 tions by Congress the Director considers nec-
19 essary to implement such recommendations and
20 achieve such policy goals.
21 (b) TERMINATION OF DUTY TO REPORT.—The duty
22 to submit a report under subsection (a) shall terminate
23 when the Director of National Intelligence submits a cer-
24 tification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU OF INVESTIGATION NATIONAL SECURITY WORKFORCE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Federal Bureau of Investigation shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce. Such report shall include—

(1) a certification by the Director of the Federal Bureau of Investigation that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Federal Bureau of Investigation is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Federal Bureau of Investigation expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director of the Federal Bureau of Investigation considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Federal Bureau of Investigation submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and

1 whether the policy goals described in subsection (a) have
2 been achieved.

3 (d) GAO REPORT ON CREATION OF FBI NATIONAL
4 SECURITY WORKFORCE.—

5 (1) ANNUAL REPORT.—Not later than 90 days
6 after the date of the enactment of this Act, and an-
7 nually thereafter, the Comptroller General shall sub-
8 mit to the relevant congressional committees a re-
9 port on whether—

10 (A) there is a sense of urgency within the
11 Federal Bureau of Investigation to create a na-
12 tional security workforce to carry out the do-
13 mestic counterterrorism mission of the Federal
14 Bureau of Investigation;

15 (B) the Federal Bureau of Investigation is
16 on track to create such a workforce; and

17 (C) the culture of the Federal Bureau of
18 Investigation allows the Federal Bureau of In-
19 vestigation to meet its new challenges and suc-
20 ceed in its counterterrorism role.

21 (2) TERMINATION.—The duty to submit a re-
22 port under paragraph (1) shall terminate when the
23 Comptroller General certifies to the relevant con-
24 gressional committees that the recommendations of
25 the 9/11 Commission and the policy goals of the In-

telligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the creation of a Federal Bureau of Investigation national security workforce have been achieved.

SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the new mission of the Director of the Central Intelligence Agency. Such report shall include—

(1) a certification by the Director of National Intelligence that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of National Intelligence is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of National Intelligence submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of National Intelligence submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall sub-

mit to the relevant congressional committees a report on whether the Director of the Central Intelligence Agency has strong, determined leadership committed to accelerating the pace of the reforms underway.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the Director of the Central Intelligence Agency have been achieved.

(e) SENSE OF CONGRESS.—It is the sense of Congress that Congress and the leadership of the Central Intelligence Agency should—

(1) regularly evaluate the effectiveness of the national clandestine service structure to determine if it improves coordination of human intelligence collection operations and produces better intelligence results; and

(2) address morale and personnel issues at the Central Intelligence Agency to ensure the Central

Intelligence Agency remains an effective arm of national power.

SEC. 205. REPORT ON INCENTIVES FOR INFORMATION SHARING.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the provision of affirmative incentives for information sharing, and for reducing disincentives to information sharing, across the Federal Government and with State and local authorities. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of National Intelligence and the Program Manager for the Information Sharing Environment expect such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NATIONAL SECURITY INSTITUTIONS IN THE INFORMATION REVOLUTION.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Management and Budget, in consultation with the Director of National Intelligence and the Program Manager for the Information Sharing Environment, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution. Such report shall include—

(1) a certification by the Director of the Office of Management and Budget that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Management and Budget is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Management and Budget expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Management and Budget submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) GAO REPORT ON INFORMATION SYSTEMS.—

(1) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General shall sub-

mit to the relevant congressional committees a report on whether the departments and agencies of the Federal Government have the resources and Presidential support to change information systems to enable information sharing, policies and procedures that compel sharing, and systems of performance evaluation to inform personnel on how well they carry out information sharing.

(2) TERMINATION.—The duty to submit a report under paragraph (1) shall terminate when the Comptroller General certifies to the relevant congressional committees that the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the leadership of the President of national security institutions into the information revolution have been achieved.

SEC. 207. HOMELAND AIRSPACE DEFENSE.

(a) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Homeland Security and the Secretary of Defense shall each submit to the specified congressional committees a certification as to whether the Federal Government has implemented the policy goals of

the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) and the recommendations of the National Commission on Terrorist Attacks Upon the United States regarding homeland and airspace defense. Each Secretary shall include with such certification recommendations if further congressional action is necessary. If a Secretary is unable to certify the goal in the first sentence, the Secretary shall report to the specified committees what steps have been taken towards implementation, when implementation can reasonably be expected to be completed, and whether additional resources or actions from the Congress are required for implementation.

(b) COMPTROLLER GENERAL REPORT.—Within 30 days of the submission of both certifications under subsection (a), the Comptroller General of the United States shall submit to the specified congressional committees a report verifying that the policy referred to in that subsection has in fact been implemented and recommendations of any additional congressional action necessary to implement the goals referred to in that subsection.

(c) SPECIFIED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Homeland Security, the Committee on Government Reform, and the Com-

mittee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee of Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATEGIES OF UNITED STATES NORTHERN COMMAND FOR DEFENSE OF THE UNITED STATES HOMELAND.

(a) FINDINGS.—Consistent with the report of the 9/11 Commission, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the two departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command, which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even though

the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even the use of airplanes as missiles within the United States.

(3) The United States Northern Command has been established to assume responsibility for defense within the United States.

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

(1) the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of those plans and strategies.

(c) SEMIANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the

Committee on Armed Services of the House of Representatives a report describing the plans and strategies of the United States Northern Command to defend the United States against military and paramilitary threats within the United States.

SEC. 209. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the following:

(1) The Committee on Homeland Security of the House of Representatives.

(2) The Committee on Government Reform, of the House of Representatives.

(3) The Permanent Select Committee on Intelligence of the House of Representatives.

(4) The Committee on Homeland Security and Government Affairs of the Senate.

(5) The Select Committee on Intelligence of the Senate.

Subtitle B—Civil Liberties and Executive Power

SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY AND CIVIL LIBERTIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every

30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to the balance between security and civil liberties. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate

when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) SHORT TITLE.—This section may be cited as the ''9/11 Commission Civil Liberties Board Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: ''At this time of in-

creased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.''.

(3) The report also states that ''the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.''.

(4) On December 17, 2004, Public Law 108–458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

(5) The establishment and adequate funding of a Privacy and Civil Liberties Oversight Board was a crucial recommendation made by the 9/11 Commission.

(6) In its Final Report on 9/11 Commission Recommendations, the Commission noted ''very little urgency'' and ''insufficient'' funding as it relates to

the establishment of the Privacy and Civil Liberties Oversight Board.

(7) While the President's budget submission for fiscal year 2006 included $750,000 for the Privacy and Civil Liberties Oversight Board, the President's budget submission for fiscal year 2007 does not contain a funding line for the Board.

(c) MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by striking ''within the Executive Office of the President'' and inserting ''as an independent agency within the Executive branch''.

(d) REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.—Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(e) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their profes-

sional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of six years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

"(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

"(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

"(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

"(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.".

(e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

"(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agen-

cies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.''; and

(2) so that paragraph (2) reads as follows:

''(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.''.

(f) REPORTING REQUIREMENTS.—

(1) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

''(4) REPORTS.—

''(A) RECEIPT, REVIEW, AND SUBMISSION.—

''(i) IN GENERAL.—The Board shall—

''(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

"(II) periodically submit, not less than semiannually, reports to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

"(I) a description of the major activities of the Board during the preceding period;

"(II) information on the findings, conclusions, and recommendations of

the Board resulting from its advice and oversight functions under subsection (c);

"(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

"(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

"(B) INFORMING THE PUBLIC.—The Board shall—

"(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.".

(2) PRIVACY AND CIVIL LIBERTIES OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended to read as follows:

"SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

"(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

"(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

"(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

"(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

"(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

"(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

"(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

"(C) that there are adequate guidelines and oversight to properly confine its use.

"(b) EXCEPTION TO DESIGNATION AUTHORITY.—

"(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

"(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

"(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

"(1) report directly to the head of the department, agency, or element concerned; and

"(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

"(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

"(1) has the information, material, and resources necessary to fulfill the functions of such officer;

"(2) is advised of proposed policy changes;

"(3) is consulted by decisionmakers; and

"(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

"(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(f) PERIODIC REPORTS.—

"(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or

(b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

"(A)(i) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

"(ii) to the head of such department, agency, or element; and

"(iii) to the Privacy and Civil Liberties Oversight Board; and

"(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

"(A) information on the number and types of reviews undertaken;

"(B) the type of advice provided and the response given to such advice;

"(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

"(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

"(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

"(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

"(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

"(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

"(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with

the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.''.

(g) INCLUSION IN PRESIDENT'S BUDGET SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(36) a separate statement of the amount of appropriations requested for the Privacy and Civil Liberties Oversight Board.''.

(h) REPORT; CERTIFICATION.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the implementation of the Privacy and Civil Liberties Oversight Board. Such report shall include—

(A) a certification by the Attorney General that such recommendations have been imple-

mented and such policy goals have been achieved; or

(B) if the Attorney General is unable to make the certification described in subparagraph (A), a description of—

(i) the steps taken to implement such recommendations and achieve such policy goals;

(ii) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(iii) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(2) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under paragraph (1) shall terminate when the Attorney General submits a certification pursuant to paragraph (1)(A).

(3) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to paragraph (1), not later than 30 days after the submission of such certification, the Comptroller Gen-

eral shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in paragraph (1) have been achieved.

SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT SHARING OF PERSONAL INFORMATION.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Attorney General shall submit to the relevant congressional committees a report on the extent to which the Administration has achieved and implemented the policy goals of Public Law 108–458 and the recommendations of the 9/11 Commission regarding the privacy guidelines for government sharing of personal information. Such report shall include—

(1) a certification by the Attorney General that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Attorney General is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Attorney General expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Attorney General considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Attorney General submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Attorney General submits a certification pursuant to subsection (a), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in paragraph (1) have been implemented and whether the policy goals described in subsection (A) have been achieved.

SEC. 214. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this subtitle, the term ''relevant congressional committees'' means the Committee on Homeland Security of the House of Representatives, the Committee on Government Reform of the House of Representatives, the

Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on the Judiciary of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Intelligence Oversight Reform in the Senate

SEC. 231. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 232. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

SEC. 233. EFFECTIVE DATE.

This subtitle shall take effect on the convening of the 110th Congress.

Subtitle D—Standardize Security Clearances

SEC. 241. STANDARDIZATION OF SECURITY CLEARANCES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) with respect to security clearances, including with respect to uniform policies and procedures for the completion of security clearances and reciprocal recognition of such security clearances among agencies of the United States Government. Such report shall include—

(1) a certification by the Director of the Office of Personnel Management that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Director of the Office of Personnel Management is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Director of the Office of Personnel Management expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Director considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Director of the Office of Personnel Management submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and

whether the policy goals described in subsection (a) have been achieved.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMITMENT TO AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States—

(1) should give priority to providing assistance to Afghanistan to establish a substantial economic infrastructure and a sound economy; and

(2) should continue to provide economic and development assistance to Afghanistan, including assistance to the Afghan National Army and the police forces and border police of Afghanistan.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) (as added by section 7104(e)(4)(A) of the Intelligence Reform and Terrorism

Prevention Act of 2004 (Public Law 108–458)) for ensuring a long-term commitment to Afghanistan. Such report shall include—

(1) a certification by the President that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the President is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the President expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the President considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the President submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the President submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certifi-

cation, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) has been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EXTREMISTS.

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

(1) the commitment of the President to provide $3,000,000,000 in assistance over the next five years to Pakistan should be commended;

(2) the Government of the United States should provide assistance to Pakistan to improve Pakistan's failing basic education system and to emphasize development;

(3) the Government of the United States should strongly urge the Government of Pakistan to close Taliban-linked schools known as ''madrassas'', close terrorist training camps, and prevent Taliban forces from operating across the border between Pakistan and Afghanistan; and

(4) the Government of the United States and the Government of Pakistan must redouble their efforts to kill or capture Osama bin Laden and other high-ranking al Qaeda suspects that may be hiding in or around Pakistan.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts by the Government of Pakistan take the actions described in subsection (a)(3).

SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.

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

(1) the Government of the United States and the Government of Saudi Arabia should accelerate efforts to improve strategic dialogue between the two

countries, increase exchange programs, and promote pragmatic reforms in Saudi Arabia; and

(2) the Government of Saudi Arabia should take additional steps to regulate charities and promote tolerance and moderation.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7105 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for improving dialogue between the people and Government of the United States and the people and Government of Saudi Arabia in order to improve the relationship between the two countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.

(a) NATIONAL COUNTERTERRORISM CENTER IDENTIFICATION OF TERRORIST SANCTUARIES.—Subsection (d) of section 119 of National Security Act of 1947 (50 U.S.C. 404o) is amended by adding at the end the following new paragraph:

''(7) To identify each country whose territory is being used as a sanctuary for terrorists or terrorist organizations and each country whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations and to develop a comprehensive strategy to eliminate terrorist sanctuaries.''.

(b) REPORT.—Such section is further amended by adding at the end the following new subsection:

''(k) REPORT ON TERRORIST SANCTUARIES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of the National Counterterrorism Center shall submit to the Committee on International Relations, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Government Reform of the House of Representatives and the Committee on Foreign

Relations, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on terrorist sanctuaries, including a description of the—

"(1) countries whose territory is being used as a sanctuary for terrorists or terrorist organizations;

"(2) countries whose territory may potentially be used as a sanctuary for terrorists or terrorist organizations;

"(3) strategy to eliminate each such sanctuary; and

"(4) progress that has been made in accomplishing such strategy.".

SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST ISLAMIST TERRORISM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) should continue to engage other countries in developing a comprehensive coalition strategy against Islamist terrorism; and

(2) should use a broader approach to target the roots of terrorism, including developing strategies with other countries to encourage reform efforts in Saudi Arabia and Pakistan, improving educational and economic opportunities in Muslim countries,

identifying and eliminating terrorist sanctuaries, and making progress in the Arab-Israeli peace process.

(b) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7117 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for engaging other countries in developing a comprehensive coalition strategy for combating terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State con-

siders necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (b) shall terminate when the Secretary of State submits a certification pursuant to subsection (b)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (b)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (b) have been implemented and whether the policy goals described in subsection (b) have been achieved.

(e) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State, in consultation with the Attorney General, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach toward the detention and humane treatment of captured terrorists and the policy goals of sections 1002, 1003, and 1005 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148). Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations, the Committee on Armed Services, and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee

on Homeland Security and Governmental Affairs of the Senate.

SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the United States Trade Representative, shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of section 7115 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for developing economic policies to combat terrorism. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved, including a description of the extent to which the policy goals of paragraphs (1) through (4) of section 7115(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 308. ACTIONS TO ENSURE VIGOROUS EFFORTS AGAINST TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) Financial institutions have too little information about money laundering and terrorist financing compliance in other markets.

(2) The current Financial Action Task Force designation system does not adequately represent the progress countries are making in combatting money laundering.

(3) Lack of information about the compliance of countries with anti-money laundering standards exposes United States financial markets to excessive risk.

(4) Failure to designate countries that fail to make progress in combatting terrorist financing and money laundering eliminates incentives for internal reform.

(5) The Secretary of the Treasury has an affirmative duty to provide to financial institutions and examiners the best possible information on compliance with anti-money laundering and terrorist financing initiatives in other markets.

(b) REPORT.—Not later than March 1 each year, the Secretary of the Treasury shall submit to the relevant congressional committees a report that identifies the applicable standards of each country against money laundering and states whether that country is a country of primary money laundering concern under section 5318A of title 31, United States Code. The report shall include—

(1) information on the effectiveness of each country in meeting its standards against money laundering;

(2) a determination of whether that the efforts of that country to combat money laundering and terrorist financing are adequate, improving, or inadequate; and

(3) the efforts made by the Secretary to provide to the government of each such country of concern technical assistance to cease the activities that were the basis for the determination that the country was of primary money laundering concern.

(c) DISSEMINATION OF INFORMATION IN REPORT.—The Secretary of the Treasury shall make available to the Federal Financial Institutions Examination Council for incorporation into the examination process, in consultation with Federal banking agencies, and to financial institutions the information contained in the report submitted under subsection (b). Such information shall be made available to financial institutions without cost.

(d) DEFINITIONS.—In this section:

(1) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 5312(a)(2) of title 31, United States Code.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means—

(A) the Committee on Financial Services, the Committee on Government Reform, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

Subtitle B—Public Diplomacy

SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE AND PUBLIC DIPLOMACY TRAINING OF MEMBERS OF THE FOREIGN SERVICE.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7109 and 7110 the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), and the amendments made by such sections, regarding the public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 312. INTERNATIONAL BROADCASTING.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the relevant congressional committees a report on—

(1) the activities of Radio Sawa and Radio Al-Hurra; and

(2) the extent to which the activities of Radio Sawa and Radio Al-Hurra have been successful, including an analysis of impact of the activities on the audience and audience demographics and whether or not funding is adequate to carry out the activities.

(b) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN THE ISLAMIC WORLD.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of State shall submit to the relevant congressional committees a report on the recommendations of the 9/11 Commission and the policy goals of sections 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in the Islamic world. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State con-

siders necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in subsection (a) have been achieved.

(d) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on International Relations and the Committee on Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.

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

(1) the Middle East Partnership Initiative (MEPI) and the United States Agency for International Development should be commended for initiating programs in predominantly Muslim countries to support secular education improvements and the teaching of English, including programs that focus on the education of women;

(2) the secular education programs of MEPI and the United States Agency for International Development are a constructive start to answering the challenge of secular education in predominantly Muslim countries;

(3) the secular education programs of MEPI and the United States Agency for International Development should be components of an overall strategy for educational assistance—itself one component of an overall United States strategy for counterterrorism—targeted where the need and the benefit to the national security of the United States are greatest; and

(4) upon formation of a broader strategy for international educational assistance targeted toward

the Middle East, a significant increase in funding for these initiatives should be provided.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the Secretary of State $50,000,000 for each of fiscal years 2007 and 2008 to support the establishment of an International Youth Opportunity Fund pursuant to section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Subtitle C—Nonproliferation

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''Omnibus Nonproliferation and Anti-Nuclear Terrorism Act of 2006''.

SEC. 322. FINDINGS.

Congress makes the following findings:

(1) LOOSE NUCLEAR WEAPONS AND MATERIALS IN THE FORMER SOVIET UNION.—

(A) There are in the world today enormous stockpiles of nuclear weapons and the materials required to make them. Counting materials both in assembled warheads and in other forms, worldwide totals are estimated to encompass some 1,900 tons of highly enriched uranium (enough for 143,000 nuclear weapons) and

1,855 tons of plutonium (enough for 330,000 nuclear weapons).

(B) The Russian Federation alone is estimated to have over 1,000 tons of highly enriched uranium (enough for over 80,000 nuclear weapons) and 140 tons of plutonium (enough for over 30,000 nuclear weapons).

(C) The United States has been working for over a decade to eliminate stockpiles of loose nuclear weapons and materials in the former Soviet Union, but the Department of Energy acknowledges that there is still a need to properly secure about 460 tons of weapons-usable Russian nuclear material (outside of warheads), enough for more than 35,000 nuclear weapons.

(D) A recent report by the Central Intelligence Agency faulted the security of nuclear arsenal facilities in the Russian Federation and assessed that ''undetected smuggling has occurred.''

(E) There are at least 18 documented incidents of ''proliferation significant'' fissile material trafficking from facilities in the former Soviet Union between 1991 and 2001. In one incident in 1998, an inside conspiracy at a Russian

nuclear weapons facility attempted to steal 18.5 kilograms of highly enriched uranium. In another incident, 2 kilograms of highly enriched uranium taken from a research facility in Sukhumi, Georgia, has never been recovered.

(F) In May 1994, German police found a small but worrisome quantity of supergrade plutonium in the garage of Adolf Jackle. Extremely expensive to produce, this rare item was likely stolen from one of Russia's two premier nuclear weapons laboratories.

(G) Comprehensive security upgrades are not yet completed at 90 percent of Russian nuclear warhead bunkers for Russia's Strategic Rocket Forces.

(H) Border security in the former Soviet Union is inconsistent at best. Existing infrastructure helps at the outer borders of the former Soviet Union but many borders internal to the former Soviet Union, such as the border between Kazakhstan and the Russian Federation, exist only on a map.

(2) LOOSE NUCLEAR MATERIALS AROUND THE GLOBE.—

(A) Dangerous caches of weapons-usable nuclear materials, much of it poorly secured and vulnerable to theft, exist in a multitude of facilities around the world. For example, there are over 130 research reactors in over 40 countries that house highly enriched uranium, some with enough to manufacture an atomic bomb. In total, about 40 tons of highly enriched uranium, enough for over 1,000 nuclear weapons, is estimated to remain in civilian research reactors.

(B) Over the last 50 years, the United States is known to have exported about 27.5 tons of highly enriched uranium to 43 countries to help develop nuclear power production or bolster scientific initiatives. In 1996, the United States began an effort to recover the more than 17.5 tons of the nuclear material that was still overseas, but has recovered only about 1 ton, according to the Department of Energy and the Government Accountability Office.

(C) It is especially important to keep highly enriched uranium out of terrorists' hands because, with minimal expertise, they could use it to make the simplest, gun-type nuclear weap-

on—a device in which a high explosive is used to blow one subcritical piece of highly enriched uranium from one end of a tube into another subcritical piece held at the opposite end of the tube.

(D) To Osama bin Laden, acquiring weapons of mass destruction is a ''religious duty''. Al Qaeda and more than two dozen other terrorist groups are pursuing capability to use weapons of mass destruction.

(E) Osama bin Laden's press spokesman, Sulaiman Abu Ghaith, has announced that the group aspires ''to kill 4 million Americans, including 1 million children,'' in response to casualties supposedly inflicted on Muslims by the United States and Israel.

(F) Al Qaeda documents recovered in Afghanistan reveal a determined research effort focused on nuclear weapons.

(3) SECURITY STANDARDS FOR ALL NUCLEAR WEAPONS AND MATERIALS.—

(A) There are no international binding standards for the secure handling and storage of nuclear weapons and materials.

(B) Making a nuclear weapon requires only 4 to 5 kilograms of plutonium or 12 to 15 kilograms of highly enriched uranium.

(C) In October 2001, the United States Government became very concerned that Al Qaeda may have smuggled a 10-kiloton Russian nuclear warhead into New York City. If placed in lower Manhattan, such a device would probably kill 100,000 people instantly, seriously injure tens of thousands more, and render the entire area uninhabitable for decades to come.

(4) RUSSIA'S NUCLEAR EXPERTISE.—

(A) Employment at the large nuclear facilities in the Russian Federation's 10 closed nuclear cities is estimated to be in the range of 120,000 to 130,000 people, of whom approximately 75,000 were employed on nuclear weapons-related work.

(B) Poor wages and living conditions in Russian ''nuclear cities'' have inspired protests and strikes among the employees working in them.

(C) Insiders have been caught attempting to smuggle nuclear materials out of these facili-

ties, presumably to sell on the lucrative black market.

SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERATION PROGRAMS IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President an Office of Nonproliferation Programs (in this section referred to as the ''Office'').

(b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The President is authorized to appoint not more than four Associate Directors, by and with the advice and consent of the Senate, who shall be compensated at a rate not to exceed that provided for level III of the Executive Schedule in section 5314 of such title. Associate Directors shall perform such functions as the Director may prescribe.

(c) PRIMARY FUNCTIONS OF DIRECTOR.—

(1) IN GENERAL.—The primary function of the Director is to coordinate and lead—

(A) efforts by the United States to curb terrorist access to nuclear technology, materials, or expertise; and

(B) other United States nonproliferation activities, including nuclear nonproliferation activities and activities to counter other weapons of mass destruction.

(2) SPECIFIC FUNCTIONS.—In addition to such other functions and activities as the President may assign, the Director shall—

(A) advise the President, and others within the Executive Office of the President, on the role and effect of such nonproliferation activities on national security and international relations;

(B) lead the development and implementation of a plan (including appropriate budgets, other resources, goals, and metrics for assessing progress) to ensure that all the highest-priority actions to prevent terrorists from getting and using nuclear weapons are taken in the shortest possible time, including but not limited to a fast-paced global effort to ensure that every nuclear warhead and every kilogram of weapons-usable nuclear material worldwide is secured

and accounted for, to standards sufficient to defeat demonstrated terrorist and criminal threats, as rapidly as that objective can be accomplished;

(C) identify obstacles to accelerating and strengthening efforts to prevent terrorists from getting and using nuclear weapons, and raise approaches to overcoming these obstacles for action by the President or other appropriate officials;

(D) lead an effort, to be carried out jointly by the various Federal agencies responsible for carrying out such nonproliferation activities, to establish priorities among those activities and to develop and implement strategies and budgets that reflect those priorities;

(E) build strong partnerships with respect to such nonproliferation activities among Federal, State, and local governments, foreign governments, international organizations, and nongovernmental organizations; and

(F) evaluate the scale, quality, and effectiveness of the Federal effort with respect to such nonproliferation activities and advise on appropriate actions.

SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) REPEAL OF RESTRICTIONS.—

(1) RESTRICTIONS ON ASSISTANCE IN DESTROYING FORMER SOVIET WEAPONS.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) is repealed.

(2) RESTRICTIONS ON AUTHORITY TO CARRY OUT CTR PROGRAMS.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 5952 note) is repealed.

(b) EXEMPTION FROM LIMITATIONS.—Cooperative Threat Reduction programs may be carried out notwithstanding any other provision of law, subject to congressional notification and reporting requirements that apply to the use of funds available for Cooperative Threat Reduction programs or the carrying out of projects or activities under such programs.

(c) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of

1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT OF ENERGY NONPROLIFERATION PROGRAMS.

Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Defense'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Energy'';

(2) in subsection (a), by striking ''each of the following'' and all that follows through the period at the end and inserting the following: ''that such project or activity will—

''(1) assist the United States in the resolution of a critical emerging proliferation threat; or

''(2) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS CONTROL AGREEMENTS AND NON-PROLIFERATION COMMITMENTS.

(a) REPORTS REQUIRED.—At least annually, the Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out. The report shall describe that country's commitments to—

(1) making substantial national investments in infrastructure to secure, safeguard, and destroy weapons of mass destruction;

(2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

(3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

(4) complying with all relevant arms control agreements;

(5) adopting and enforcing national and international export controls over munitions and dual-use items; and

(6) facilitating the verification by the United States and international community of that country's compliance with such commitments.

(b) FORM.—The report required under subsection (a) may be submitted with the report required under section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO CERTAIN NONPROLIFERATION ACTIVITIES.

Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying impediments (including liability concerns, taxation issues, access rights, and other impediments) to—

(1) the ongoing renegotiation of the umbrella agreement relating to Cooperative Threat Reduction; and

(2) the ongoing negotiations for the implementation of the Plutonium Disposition Program, the Nuclear Cities Initiative, and other defense nuclear nonproliferation programs.

SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking "PROGRAM AUTHORIZED" and inserting "PROGRAM REQUIRED"; and

(B) by striking "The Secretary of Energy may" and inserting "The President, acting through the Secretary of Energy, shall"; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

"(N) Take such other actions as may be necessary to effectively implement the Global Threat Reduction Initiative.".

SEC. 331. EXPANSION OF PROLIFERATION SECURITY INITIATIVE.

(a) SENSE OF CONGRESS RELATING TO PROLIFERATION SECURITY INITIATIVE.—It is the sense of Congress that—

(1) the President should strive to expand and strengthen the Proliferation Security Initiative announced by the President on May 31, 2003, placing particular emphasis on including countries outside of NATO; and

(2) the United States should engage the United Nations to develop a Security Council Resolution to authorize the Proliferation Security Initiative under international law, including by providing legal au-

thority to stop shipments of weapons of mass destruction, their delivery systems, and related materials.

(b) AUTHORIZATION OF APPROPRIATIONS RELATING TO PROLIFERATION SECURITY INITIATIVE.—There are authorized to be appropriated for fiscal year 2007, $50,000,000 to conduct joint training exercises regarding interdiction of weapons of mass destruction under the Proliferation Security Initiative. Particular emphasis should be given to allocating funds from such amount—

(1) to invite other countries that do not participate in the Proliferation Security Initiative to observe the joint training exercises; and

(2) to conduct training exercises with countries that openly join the Proliferation Security Initiative after the date of the enactment of this Act.

SEC. 332. SENSE OF CONGRESS RELATING TO INTERNATIONAL SECURITY STANDARDS FOR NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of performance-based standards for the security of nuclear weapons and weapons;

(2) negotiating with those nations an agreement to adopt the standards and implement appropriate verification measures to assure ongoing compliance; and

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other states to adopt and verifiably implement the standards.

SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING TO INVENTORY OF RUSSIAN TACTICAL NUCLEAR WARHEADS AND DATA EXCHANGES.

In addition to any other amounts authorized to be appropriated for such purposes, there are authorized to be appropriated to the Administrator for Nuclear Security for fiscal year 2007, $5,000,000 for assistance to Russia to facilitate the conduct of a comprehensive inventory of the stockpile of Russia of—

(1) non-strategic nuclear weapons; and

(2) nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means.

SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF RUSSIA'S NON-STRATEGIC NUCLEAR WEAPONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on Russia's non-strategic nuclear weapons. The report shall—

(1) detail past and current efforts of the United States to encourage a proper accounting for and securing of Russia's non-strategic nuclear weapons and Russia's nuclear weapons, whether strategic or non-strategic, that are not secured by PALs or other electronic means;

(2) detail the actions that are most likely to lead to progress in improving the accounting for and securing or dismantlement of such weapons; and

(3) detail the feasibility of enhancing the national security of the United States by developing increased transparency between the United States and Russia with respect to the numbers, locations, and descriptions of such weapons and of the corresponding weapons of the United States.

SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING ALTERNATIVE USE OF WEAPONS OF MASS DESTRUCTION EXPERTISE.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), any funds available to a department or agency of the Federal Government may be used to conduct non-defense research and development in Russia and the states of the former Soviet Union on technologies specified in subsection (b) utilizing scientists in Russia and the states of the former Soviet Union who have expertise in—

(1) nuclear weapons; or

(2) chemical or biological weapons, but only if such scientists no longer engage, or have never engaged, in activities supporting prohibited chemical or biological capabilities.

(b) TECHNOLOGIES.—The technologies specified in this subsection are technologies on the following:

(1) Environmental restoration and monitoring.

(2) Proliferation detection.

(3) Health and medicine, including research.

(4) Energy.

(c) LIMITATION.—Funds may not be used under subsection (a) for research and development if the Secretary of State, in consultation with the Secretary of Defense and

the Secretary of Energy, determines that such research and development will—

(1) pose a threat to the security interests of the United States; or

(2) further materially any defense technology.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State $20,000,000 for fiscal year 2007 for the following purposes:

(A) To make determinations under subsection (c).

(B) To defray any increase in costs incurred by the Department of State, or any other department or agency of the Federal Government, for research and development, or demonstration, as a result of research and development conducted under this section.

(2) AVAILABILITY.—(A) Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

(B) Any amount transferred to a department or agency of the Federal Government pursuant to paragraph (1)(B) shall be merged with amounts available to such department or agency to cover costs con-

cerned, and shall be available for the same purposes, and for the same period, as amounts with which merged.

SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the Nuclear Nonproliferation Treaty or NPT) (21 UST 483) states that countries that are parties to the treaty have the ''inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty.''.

(2) The rights outlined under article IV include all fuel cycle activities, despite the fact that uranium enrichment and plutonium production potentially put a country in a position to produce weapons usable material.

(3) David Bergmann, former chairman of the Israeli Atomic Energy Commission, stated: ''. . . by developing atomic energy for peaceful uses, you reach the nuclear weapon option. There are not two atomic energies''.

(4) The wording of article IV has made it possible for countries that are parties to the NPT treaty to use peaceful nuclear programs as a cover for weapons programs. In particular, the misuse by North Korea and Iran of these provisions threatens to undercut the viability of the nuclear nonproliferation regime and the entire system of international nuclear commerce.

(5) If the international community fails to devise effective measures to deal with the ''loophole'' in article IV, then there is a great likelihood that the ranks of countries possessing nuclear weapons will increase markedly in the next decade.

(b) PRESIDENTIAL REPORT ON CONTROL OF NUCLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report identifying ways to more effectively control nuclear fuel cycle technologies and material, including ways that the United States can mobilize the international community to close the ''loophole'' of article IV of the NPT, without undermining the treaty itself.

SEC. 337. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations, the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(2) COOPERATIVE THREAT REDUCTION PROGRAMS.—The term ''Cooperative Threat Reduction programs'' means programs and activities specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

DIVISION B—COMBATTING TERRORISM

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Targeting Terrorists More Effectively Act of 2006''.

TITLE XI—EFFECTIVELY TARGETING TERRORISTS

SEC. 1101. SENSE OF CONGRESS ON SPECIAL OPERATIONS FORCES AND RELATED MATTERS.

It is the sense of Congress that—

(1) the number of active-duty Army Special Forces-qualified personnel should be increased during the four years after the date of the enactment of this Act so that on the date that is four years after the date of such enactment such number is 9,290;

(2) an additional 16 Predator aircraft should be acquired for the Air Force Special Operations Command by the end of fiscal year 2008;

(3) an additional Special Operations squadron should be established not later than fiscal year 2009; and

(4) the increase in the number of regular and reserve component personnel who are assigned civil affairs duty should be accelerated.

SEC. 1102. FOREIGN LANGUAGE EXPERTISE.

(a) FINDINGS.—Congress makes the following findings:

(1) Success in the global war on terrorism will require a dramatic increase in institutional and per-

sonal expertise in the languages and cultures of the societies where terrorism has taken root, including a substantial increase in the number of national security personnel who obtain expert lingual training.

(2) The National Commission on Terrorist Attacks Upon the United States identified the countries in the Middle East, South Asia, Southeast Asia, and West Africa as countries that serve or could serve as terrorist havens.

(3) Although 22 countries have Arabic as their official language, the National Commission on Terrorist Attacks Upon the United States found that a total of only 6 undergraduate degrees for the study of Arabic were granted by United States colleges and universities in 2002.

(4) The report of the National Commission on Terrorist Attacks Upon the United States contained several criticisms of the lack of linguistic expertise in the Central Intelligence Agency and the Federal Bureau of Investigation prior to the September 11, 2001 terrorist attacks, and called for the Central Intelligence Agency to ''develop a stronger language program, with high standards and sufficient financial incentives''.

(5) An audit conducted by the Department of Justice in July 2004, revealed that the Federal Bureau of Investigation has a backlog of hundreds of thousands of untranslated audio recordings from terror and espionage investigations.

(6) The National Security Education Program Trust Fund, which funds critical grant and scholarship programs for linguistic training in regions critical to national security, will have exhausted all its funding by fiscal year 2006, unless additional appropriations are made to the Trust Fund.

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

(1) the overwhelming majority of Muslims reject terrorism and a small, radical minority has grossly distorted the teachings of one of the world's great faiths to seek justification for acts of terrorism, such radical Islamic fundamentalism constitutes a primary threat to the national security interests of the United States, and an effective strategy for combating terrorism should include increasing the number of personnel throughout the Federal Government with expertise in languages spoken in predominately Muslim countries and in the culture of such countries;

(2) Muslim-Americans constitute an integral and cherished part of the fabric of American society and possess many talents, including linguistic, historic, and cultural expertise that should be harnessed in the war against radical, fundamentalist terror; and

(3) amounts appropriated for the National Flagship Language Initiative pursuant to the amendments made by subsection (e)(2) should be used to support the establishment, operation, and improvement of programs for the study of Arabic, Persian, and other Middle Eastern, South Asian, Southeast Asian, and West African languages in institutes of higher education in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) NATIONAL SECURITY EDUCATION TRUST FUND.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR FISCAL YEAR 2007.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Fund $150,000,000 for fiscal year 2007.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended and not more than $15,000,000 of such amounts may be obligated and expended during any fiscal year.".

(2) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(A) IN GENERAL.—Section 811(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1911(a)) is amended by striking "there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000" and inserting "there are authorized to be appropriated to the Secretary for each fiscal year 2003 through 2006, $10,000,000, and for each fiscal year after fiscal year 2006, $20,000,000,".

(B) AVAILABILITY OF FUNDS.—Section 811(b) of such Act (50 U.S.C. 1911(b)) is amended by inserting "for fiscal years 2003 through 2006" after "this section".

(3) DEMONSTRATION PROGRAM.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary

for each of fiscal years 2007, 2008, and 2009 in order to carry out the demonstration program established under subsection (c).

SEC. 1103. CURTAILING TERRORIST FINANCING.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[v]igorous efforts to track terrorist financing must remain front and center in United States counterterrorism efforts''.

(2) The report of the Independent Task Force sponsored by the Council on Foreign Relations stated that ''currently existing U. S. and international policies, programs, structures, and organizations will be inadequate to assure sustained results commensurate with the ongoing threat posed to the national security of the United States''.

(3) The report of the Independent Task Force contained the conclusion that ''[l]ong-term success will depend critically upon the structure, integration, and focus of the U. S. Government—and any intergovernmental efforts undertaken to address this problem''.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Saudi Arabia to curtail terrorist financing originating from that country using a range of methods, including diplomacy, intelligence, and law enforcement;

(2) to ensure effective coordination and sufficient resources for efforts of the agencies and departments of the United States to disrupt terrorist financing by carrying out, through the Office of Terrorism and Financial Intelligence in the Department of the Treasury, a comprehensive analysis of the budgets and activities of all such agencies and departments that are related to disrupting the financing of terrorist organizations;

(3) to provide each agency or department of the United States with the appropriate number of personnel to carry out the activities of such agency or department related to disrupting the financing of terrorist organizations;

(4) to centralize the coordination of the efforts of the United States to combat terrorist financing and utilize existing authorities to identify foreign jurisdictions and foreign financial institutions suspected of abetting terrorist financing and take actions to prevent the provision of assistance to terrorists; and

(5) to work with other countries to develop and enforce strong domestic terrorist financing laws, and increase funding for bilateral and multilateral programs to enhance training and capacity-building in countries who request assistance.

(c) AUTHORIZATION OF APPROPRIATIONS TO PROVIDE TECHNICAL ASSISTANCE TO PREVENT FINANCING OF TERRORISTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' to provide technical assistance under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities—

(A) for fiscal year 2007, $300,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this subsection are in addi-

tion to amounts otherwise available for such purposes.

SEC. 1104. PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT TERRORISM.

(a) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with the government of that foreign country, and the government of that foreign country is determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person.

(b) DEFINITIONS.—In this section:

(1) CONTROLLED IN FACT.—The term ''is controlled in fact'' includes—

(A) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(2) STATE.—The term ''State'' means each of the several States of the United States, the District

of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(3) UNITED STATES PERSON.—The term ''United States person'' includes any United States citizen, permanent resident alien, entity organized under the law of the United States or of any State (including foreign branches), wherever located, or any other person in the United States.

(c) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of the enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of the enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such per-

son divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

(d) NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

''The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.''.

SEC. 1105. COMPTROLLER GENERAL REPORT ON UNITED KINGDOM AND UNITED STATES ANTI-TERRORISM POLICIES AND PRACTICES.

(a) REPORT REQUIRED.—Not later than July 1, 2007, the Comptroller General of the United States shall submit to Congress a report setting forth a comparative analysis of the anti-terrorism policies and practices of the United Kingdom and the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include a comparative analysis of the following:

(1) The counter-intelligence laws and methods of the United Kingdom and the United States.

(2) The structure of the intelligence and law enforcement agencies of the United Kingdom Government and the United States Government.

(3) The compliance by the executive agencies of the United Kingdom and the United States with the laws of such country applicable to terrorism.

(4) The constitutional and legal considerations that enter into the development of anti-terrorism policies in the United Kingdom and the United States.

SEC. 1106. ENHANCEMENT OF INTELLIGENCE COMMUNITY EFFORTS TO BRING OSAMA BIN LADEN AND OTHER AL QAEDA LEADERS TO JUSTICE.

(a) ADDITIONAL APPROPRIATION FOR INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—There is hereby appropriated for the fiscal year ending September 30, 2007, for the Intelligence Community Management Account $200,000,000 which amount shall be available only for a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda.

(b) REPORTS ON EFFORTS.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall, in consultation with other appropriate officials, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in subsection (a), including—

(1) an assessment of the likely current location of terrorist leaders (including Osama bin Laden and other key leaders of al Qaeda);

(2) a description of ongoing efforts to bring to justice such terrorists;

(3) a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries;

(4) a description of diplomatic efforts currently being made to improve the cooperation of any governments described in paragraph (3); and

(5) a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda.

TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

SEC. 1201. FINDINGS, POLICY, AND DEFINITION.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism''.

(2) According to the United Nations Development Program Arab Human Development Report for 2002, 10,000,000 children between the ages of 6 through 15 in the Arab world do not attend school, and ⅔ of the 65,000,000 illiterate adults in the Arab world are women.

(3) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States

Government "should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education".

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of basic education in the developing world, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458), with the goal of building and operating primary and secondary schools in Muslim countries that commit to sensibly investing the resources of such countries in public education;

(3) to work with the international community, including foreign countries and international organizations to raise $7,000,000,000 to $10,000,000,000 each year to fund education programs in Muslim countries;

(4) to offer additional incentives to countries to increase the availability of basic education; and

(5) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subtitle, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 1202. ANNUAL REPORT TO CONGRESS.

Not later than June 1 each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of countries in the developing world to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism. Each report shall include—

(1) a list of countries that are making serious and sustained efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of countries that are making efforts to increase the availability of basic education and to

close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained; and

(3) a list of countries that are not making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL EDUCATION PROGRAMS.—There are authorized to be appropriated to the President for ''Development Assistance'' for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293)—

(1) for fiscal year 2007, $1,000,000,000; and

(2) for fiscal years 2008 and 2009, such sums as may be necessary.

(b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—There are authorized to be appropriated to the President for fiscal years 2007, 2008, and 2009 such sums as may be necessary for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs.

(c) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in this section are in addition to amounts otherwise available for such purposes.

Subtitle B—Democracy and Development in the Muslim World

SEC. 1211. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms and economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open eco-

nomic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States—

(1) to promote the objectives described in subsection (a)(3) in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) to provide assistance and resources to organizations that are committed to promoting such objectives; and

(3) to work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a strategy to promote the policy of the United States set out in subsection (b). Such strategy shall describe how funds appropriated pursuant to the authorization of appropriations in subsection (d) will be used.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the ''Economic Support Fund'' for activities carried out under chapter 4 of part II of the Foreign Assistance Act of

1961 (22 U.S.C. 2346 et seq.) to promote the policy of the United States set out in subsection (b)—

(A) for fiscal year 2007, $500,000,000; and

(B) for fiscal years 2008 and 2009, such sums as may be necessary.

(2) SENSE OF CONGRESS ON USE OF FUNDS.—It is the sense of Congress that a substantial portion of the funds appropriated pursuant to the authorization of appropriations in paragraph (1) should be made available to non-governmental organizations that have a record of success working in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia to build and support democratic institutions, democratic parties, human rights organizations, independent media, and the efforts to promote the rights of women.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 1212. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, non-profit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through mak-

ing grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the

United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any

officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may

be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2007, and annually thereafter, the Foundation shall submit to Congress and make available to the public an an-

nual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle C—Restoring American Moral Leadership

SEC. 1221. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil lib-

erties of all the people of the United States, including Muslim-Americans.

(3) The report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.

(4) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(b) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

''(a) EMERGENCY AUTHORITY.—

"(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

"(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) supersedes any other provision of law.

"(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated

which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

"(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.".

(c) REPORT.—An annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) shall provide a detailed description of any activities carried out under section 316 of such Act, as added by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry

out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277), and this division, and to carry out other authorities in law consistent with such purposes:

(A) INTERNATIONAL BROADCASTING OPERATIONS.—For ''International Broadcasting Operations'', $500,000,000 for the fiscal year 2007.

(B) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $70,000,000 for the fiscal year 2007.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

SEC. 1222. DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.

(a) UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.—There are authorized to be appropriated for the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts for ''Educational and Cultural Exchange Programs'', $500,000,000 for the fiscal year 2007.

(b) ADMINISTRATION OF FOREIGN AFFAIRS.—There are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law for ''Diplomatic and Consular Programs'', $500,000,000 for the fiscal year 2007, which shall only be available for public diplomacy international information programs.

SEC. 1223. TREATMENT OF DETAINEES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that are adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(3) The Commission on Terrorist Attacks Upon the United States urged to the United States to engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. The 9/11 Public Discourse Project went on to give the Administration a ranking of ''unfulfilled'' in this area, commenting that ''[d]issession either at home or abroad on how the United States treats captured terrorists only makes it harder to build the diplomatic, political and mili-

tary alliance necessary to fight the war on terror effectively''.

(b) POLICY.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned, or otherwise held in the custody of the United States (hereinafter ''detainees'') humanely and in accordance with the legal obligations under United States law and international law, including the obligations in the Convention Against Torture, the Geneva Conventions, and the Detainee Treatment Act of 2005.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibitions against torture, cruel, inhumane, or degrading treatment set out in the Constitution, laws, and treaties of the United States, as reiterated by the Supreme Court in Hamdan v. Rumsfeld (126 S. Ct. 2749 (2006)).

(3) If there is any doubt as to whether a detainee is entitled to the protections afforded by the Geneva Conventions, it is the policy of the United States that such detainee shall enjoy the protections of the Convention Relative to the Treatment of Pris-

oners of War, done at Geneva August 12, 1949 (6 UST 3316) until such time as the detainee's status can be determined pursuant to the procedures authorized by Army Regulation 190–8, Section 1–6.

(4) It is the policy of the United States to expeditiously process and, if appropriate, prosecute detainees in the custody of the United States, including detainees in custody at Guantanamo Bay, Cuba.

(c) REPORTING.—The Secretary shall submit to the appropriate congressional committees the following:

(1) Not later than 180 days after the date of the enactment of this Act, a report setting forth the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(2) Not later than 90 days after the date of the enactment of this Act, a report setting forth all interrogation techniques approved, as of the date of the enactment of this Act, by officials of the United States for use with detainees.

(d) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Sec-

retary and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the standards of the Detainee Treatment Act of 2005 and Common Article 3 of the Geneva Conventions by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary and the Director shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(e) REPORTS ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary and the Director shall each submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding, and a status report on, any investigation of, or prosecution on account

of, a possible violation of the standards specified in subsection (d)(1) by United States Government personnel or by a person providing services to the United States Government on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual alleged to have violated the standards specified in subsection (d)(1).

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on International Relations of the House of Representatives.

(2) CONVENTION AGAINST TORTURE.—The term ''Convention Against Torture'' means the Convention Against Torture and Other Cruel, Inhuman

or Degrading Treatment or Punishment, done at New York December 10, 1984.

(3) DIRECTOR.—The term ''Director'' means the Director of National Intelligence.

(4) GENEVA CONVENTIONS.—The term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(6) TORTURE.—The term ''torture'' has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 1224. NATIONAL COMMISSION TO REVIEW POLICY REGARDING THE TREATMENT OF DETAINEES.

(a) ESTABLISHMENT OF COMMISSION.—There is established the National Commission To Review Policy Regarding the Treatment of Detainees.

(b) PURPOSES.—The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the interrogation and detention policies related to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom.

(2) To examine and report on the causes of the alleged mistreatment of detainees by United States personnel and the impact of such mistreatment on the security of the Armed Forces of the United States.

(3) To build upon the reviews of the policies of the United States related to the treatment of individuals detained by the United States, including such reviews conducted by the executive branch, Congress, or other entities.

(c) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the Speaker of the House of Representatives;

(C) 3 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Judge Advocate General of the Army;

(F) 1 member shall be appointed by the Judge Advocate General of the Navy; and

(G) 1 member shall be appointed by the Judge Advocate General of the Air Force.

(2) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson may not be from the same political party.

(3) INITIAL MEETING.—Once 10 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(4) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) SENSE OF CONGRESS ON QUALIFICATIONS OF COMMISSION MEMBERS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in the fields of intelligence, law enforcement, or foreign affairs, or experience serving the United States Government, including service in the Armed Forces.

(d) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to conduct an investigation that—

(A) investigates the development and implementation of policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom;

(B) determines whether the United States policy related to the treatment of detained individuals has adversely affected the security of the members of the Armed Forces of the United States;

(C) determines the causes and factors contributing to the alleged abuse of detainees, and whether and to what extent the incidences of abuse of detained individuals has affected the standing of the United States in the world;

(D) determines whether and to what extent leaders of the United States Armed Forces were given the opportunity to comment on and influence policy relating to treatment of detained individuals;

(E) assesses the responsibility of leaders for policies and actions, or failures to act, that

may have contributed to the mistreatment of detainees; and

(F) determines whether and to what extent policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom differed from the policies and practices regarding detainees established by the Armed Forces prior to such operations; and

(2) to submit to the President and Congress such report as is required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(e) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testi-

mony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, electronic messages, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a sub-

poena issued under subparagraph (A)(ii), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had re-

ceived a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(2) CLOSED MEETINGS.—

(A) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(B) ADDITIONAL AUTHORITY.—In addition to the authority under subparagraph (A), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies

of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) STAFF OF THE COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson and Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this

subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to a member of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level

IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate departments and agencies of the Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and require-

ments, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(i) REPORT OF THE COMMISSION.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(j) TERMINATION.—

(1) TERMINATION.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the report is submitted under subsection (i).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 1231. AFGHANISTAN.

(a) AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—Section 108(a) the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking ''such sums as may be necessary for each of the fiscal years 2005 and 2006'' and inserting ''$2,400,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 and 2009''.

(b) OTHER AUTHORIZATIONS OF APPROPRIATIONS FOR FOREIGN RELATIONS ACTIVITIES.—

(1) FISCAL YEAR 2007.—There are authorized to be appropriated to the President for providing assistance for Afghanistan in a manner consistent with the provisions of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year 2007—

(A) for ''International Military Education and Training'', $1,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347);

(B) for ''Foreign Military Financing Program'' grants, $444,000,000 to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(C) for ''Peacekeeping Operations'', $30,000,000 to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) FISCAL YEARS 2008 AND 2009.—

(A) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated for each of the purposes described in subparagraphs (A) through (C) of paragraph (1) such sums as may be necessary for each of the fiscal years 2008 and 2009.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the amount appropriated for each purpose described in subparagraphs (A) through (C) of paragraph (1) for each of the fiscal years 2008 and 2009 should be an amount that is equal to 125 percent of the amount appropriated for such purpose during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—There are

authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, for Defense-wide activities, $20,000,000 for support to provisional reconstruction teams in Afghanistan.

(d) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1232. PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and rule of law, particularly at the national level; and

(E) effectively dealing with Islamic extremism.

(b) POLICY.—It is the policy of the United States—

(1) to work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan;

(2) to establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2);

(3) to dramatically increase funding for United States Agency for International Development and Department of State programs that assist Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state; and

(4) to work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between

the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY ON PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

(d) NUCLEAR PROLIFERATION.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the

United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(2) LIMITATION ON ASSISTANCE TO PAKISTAN.—None of the funds appropriated for a fiscal year to provide military or economic assistance to the Government of Pakistan may be made available for such purpose unless the President submits to Congress for such fiscal year a certification that no military or economic assistance provided by the United States to the Government of Pakistan will be provided, either directly or indirectly, to a person that is opposing or undermining the efforts of the United States Government to halt the proliferation of nuclear weapons.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2007—

(A) for ''Development Assistance'', $50,000,000 to carry out the provisions of section 103, 105, and 106 of the Foreign Assist-

ance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d,);

(B) for the ''Child Survival and Health Programs Fund'', $35,000,000 to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the ''Economic Support Fund'', $350,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for ''International Narcotics and Law Enforcement'', $50,000,000 to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(E) for ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs'', $10,000,000;

(F) for ''International Military Education and Training'', $2,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347); and

(G) for ''Foreign Military Financing Program'', $300,000,000 grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 1233. SAUDI ARABIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that nation or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(3) In order to more effectively combat terrorism, the Government of Saudi Arabia must undertake a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational

reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both nations can publicly support;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such Government are committed to making a serious, sustained effort to combat terrorism; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(c) STRATEGY ON SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States—

(A) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) to effectively prevent the financing of terrorists in Saudi Arabia.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(B) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

SEC. 1301. REPEAL OF LIMITATIONS TO THREAT REDUCTION ASSISTANCE.

Section 5 of S. 2980 of the 108th Congress (the Nunn-Lugar Cooperative Threat Reduction Act of 2004), as introduced on November 16, 2004, is hereby enacted into law.

SEC. 1302. RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) An assessment of the number, location, condition, and security of Russian tactical nuclear weapons.

(2) An assessment of the threat that would be posed by the theft of Russian tactical nuclear weapons.

(3) A plan for developing with Russia a cooperative program to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons.

(b) PROGRAM.—The Secretary of Defense and the Secretary of Energy shall jointly work with Russia to establish a cooperative program, based on the report under subsection (a), to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons in order to achieve reductions in the total number of Russian tactical nuclear weapons.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEPARTMENT OF DEFENSE.—There are authorized to be appropriated for the Department of Defense, $25,000,000 to carry out this section.

(2) DEPARTMENT OF ENERGY.—There are authorized to be appropriated for the Department of Energy, $25,000,000 to carry out this section.

SEC. 1303. ADDITIONAL ASSISTANCE TO ACCELERATE NONPROLIFERATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.—There are authorized to be appropriated to the Department of Defense $105,000,000 for fiscal year 2007 for Cooperative Threat Reduction Activities as follows:

(1) To accelerate security upgrades at nuclear warhead storage sites located in Russia or another country of the former Soviet Union, $15,000,000.

(2) To accelerate biological weapons proliferation prevention programs in Kazakhstan, Georgia, and Uzbekistan, $15,000,000.

(3) To accelerate destruction of Libyan chemical weapons, materials, and related equipment, $75,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Department of Energy $95,000,000 for fiscal year 2007 for nonproliferation activities of the National Nuclear Security Administration as follows:

(1) To accelerate the Global Threat Reduction Initiative, $20,000,000.

(2) To accelerate security upgrades at nuclear warhead storage sites located in Russia or in another country, $15,000,000.

(3) To accelerate the closure of the plutonium producing reactor at Zheleznogorsk, Russia as part of the program to eliminate weapons grade plutonium production, $25,000,000.

(4) To accelerate completion of comprehensive security upgrades at Russian storage sites for weapons-usable nuclear materials, $15,000,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2007 for nonproliferation activities as follows:

(A) To accelerate engagement of former chemical an biological weapons scientists in Russia and the countries of the former Soviet Union through the Bio-Chem Redirect Program, $15,000,000.

(B) To enhance efforts to combat bioterrorism by transforming the Soviet biological weapons research and production facilities to commercial enterprises through the BioIndustry Initiative, $10,000,000.

(2) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 1304. ADDITIONAL ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

There are authorized to be appropriated to the Department of Energy $20,000,000 to be used to provide technical and other assistance to the International Atomic Energy Agency to support nonproliferation programs. Such amount is in addition to amounts otherwise available for such purpose.

Subtitle B—Border Protection

SEC. 1311. FINDINGS.

Congress makes the following findings:

(1) More than 500,000,000 people cross the borders of the United States at legal points of entry each year, including approximately 330,000,000 people who are not citizens of the United States.

(2) The National Commission on Terrorist Attacks Upon the United States found that 15 of the 19 hijackers involved in the September 11, 2001 terrorist attacks ''were potentially vulnerable to interception by border authorities''.

(3) Officials with the Bureau of Customs and Border Protection and with the Bureau of Immigration and Customs Enforcement have stated that there is a shortage of agents in such Bureaus. Due to an inadequate budget, the Bureau of Immigration and Customs Enforcement has effected a hiring

freeze since March 2004, and the Bureau has not made public any plans to end this freeze.

SEC. 1312. HIRING AND TRAINING OF BORDER SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2007 through 2010, the Secretary of Homeland Security shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to

the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

Subtitle C—First Responders

SEC. 1321. FINDINGS.

Congress makes the following findings:

(1) In a report entitled ''Emergency First Responders: Drastically Underfunded, Dangerously Unprepared'', an independent task force sponsored by the Council on Foreign Relations found that ''America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.''.

(2) The task force further concluded that many state and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(3) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

SEC. 1322. RESTORATION OF JUSTICE ASSISTANCE FUNDING.

(a) FINDINGS.—Congress makes the following findings:

(1) State and local police officers, firefighters, and emergency responders play an essential role in the efforts of the United States to prevent terrorist attacks and, if an attack occurred, to address the effects of the attack.

(2) An independent task force has concluded that hundreds of local police offices and firefighting

and emergency response units throughout the United States are unprepared for responding to a terrorist attack involving nuclear, chemical, biological, or radiological weapons.

(3) The Edward Byrne Memorial Justice Assistance Grant Program provides critical Federal support for personnel, equipment, training, and technical assistance for the homeland security responsibilities of local law enforcement offices.

(4) The Consolidated Appropriations Act, 2005 (Public Law 108–447) appropriated funding for the Edward Byrne Memorial Justice Assistance Grant Program, a program that resulted from the combination of the Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant Program.

(5) Funding for the Edward Byrne Memorial Justice Assistance Grant Program, as provided in the Consolidated Appropriations Act, 2005, has been reduced by nearly 50 percent since fiscal year 2002.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should request in the annual budget proposal, and Congress should appropriate, the full amount authorized to be appropriated in subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Edward Byrne Memorial Justice Assistance Grant Program—

(1) for fiscal year 2007, $1,250,000,000;

(2) for fiscal year 2008, $1,400,000,000; and

(3) for fiscal year 2009, $1,600,000,000.

SEC. 1323. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended—

(1) by inserting ''and prosecutor'' after ''increase police''; and

(2) by inserting ''to enhance law enforcement access to new technologies, and'' after ''presence,''.

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after ''Nation'' the following: '', or pay overtime to existing ca-

reer law enforcement officers to the extent that such overtime is devoted to community policing efforts''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C)—

(i) by striking ''or pay overtime''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.''; and

(2) in paragraph (2), by striking all that follows ''SUPPORT SYSTEMS.—'' and inserting ''Grants pursuant to—

''(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

''(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7), by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, il-

legal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;'';

(4) in paragraph (10), by striking ''and'' at the end;

(5) in paragraph (11), by striking the period that appears at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.''.

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ''use up to 5 percent of the funds appropriated under subsection (a) to'' after ''The Attorney General may''; and

(B) by inserting at the end the following: ''In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to

other public and private entities for those respective purposes.'';

(2) in paragraph (2), by inserting ''under subsection (a)'' after ''the Attorney General''; and

(3) in paragraph (3)—

(A) by striking ''the Attorney General may'' and inserting ''the Attorney General shall'';

(B) by inserting ''regional community policing institutes'' after ''operation of''; and

(C) by inserting ''representatives of police labor and management organizations, community residents,'' after ''supervisors,''.

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsection (k);

(2) by redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) by striking subsection (e) and inserting the following:

''(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist

police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that

1 build on local community policing efforts. Funds made
2 available under this subsection may be used to—
3 "(1) hire additional prosecutors who will be as-
4 signed to community prosecution programs, includ-
5 ing programs that assign prosecutors to handle cases
6 from specific geographic areas, to address specific
7 violent crime and other local crime problems (includ-
8 ing intensive illegal gang, gun and drug enforcement
9 projects and quality of life initiatives), and to ad-
10 dress localized violent and other crime problems
11 based on needs identified by local law enforcement
12 agencies, community organizations, and others;
13 "(2) redeploy existing prosecutors to community
14 prosecution programs as described in paragraph (1)
15 of this section by hiring victim and witness coordina-
16 tors, paralegals, community outreach, and other
17 such personnel; and
18 "(3) establish programs to assist local prosecu-
19 tors' offices in the implementation of programs that
20 help them identify and respond to priority crime
21 problems in a community with specifically tailored
22 solutions.
23 At least 75 percent of the funds made available under this
24 subsection shall be reserved for grants under paragraphs
25 (1) and (2) and of those amounts no more than 10 percent

may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.''.

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by adding at the end the following:

''(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).''.

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended by inserting after ''criminal laws'' the following: ''including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.''.

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;'';

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

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;''; and

(C) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,150,000,000 for fiscal year 2007;

"(ii) $1,150,000,000 for fiscal year 2008;

"(iii) $1,150,000,000 for fiscal year 2009;

"(iv) $1,150,000,000 for fiscal year 2010;

"(v) $1,150,000,000 for fiscal year 2011; and

"(vi) $1,150,000,000 for fiscal year 2012."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "1701(f)" and inserting "1701(g)";

(C) by striking the second sentence and inserting "Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.";

(D) by striking "85 percent" and inserting "$600,000,000"; and

(E) by striking "1701(b)," and all that follows through "of part Q" and inserting the following: "1701 (b) and (c), $350,000,000 to

grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).''.

TITLE XIV—PROTECTING TAXPAYERS

SEC. 1401. REPORTS ON METRICS FOR MEASURING SUCCESS IN GLOBAL WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORTS.—The Comptroller General of the United States shall submit to Congress reports on the metrics for use in tracking and measuring acts of global terrorism, international counterterrorism efforts, and the success of United States counterterrorism policies and practices including specific, replicable definitions, criteria, and standards of measurement to be used for the following:

(1) Counting and categorizing acts of international terrorism.

(2) Monitoring counterterrorism efforts of foreign governments.

(3) Monitoring financial support provided to terrorist groups.

(4) Assessing the success of United States counterterrorism policies and practices.

(b) SCHEDULE OF REPORTS.—The Comptroller General shall submit to Congress an initial report under sub-

section (a) not later than 1 year after the date of the enactment of this Act and a second report not later than 1 year after the date on which the initial report is submitted.

SEC. 1402. PROHIBITION ON PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war, military action, or relief or reconstruction activities within the jurisdiction of the United States Government, knowingly and willfully—

''(A)(i) executes or attempts to execute a scheme or artifice to defraud the United States; or

''(ii) materially overvalues any good or service with the specific intent to defraud and

excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both; or

"(B)(i) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(ii) makes any materially false, fictitious, or fraudulent statements or representations; or

"(iii) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry;

shall be fined under paragraph (2) imprisoned not more than 10 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. War profiteering and fraud relating to military action, relief, and reconstruction efforts.".

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(d) RICO.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)" after "liquidating agent of financial institution),".

TITLE XV—OTHER MATTERS

SEC. 1501. SENSE OF CONGRESS ON MILITARY COMMISSIONS FOR THE TRIAL OF PERSONS DETAINED IN THE GLOBAL WAR ON TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power ''To define and punish . . . Offenses against the Law of Nations'', as well as the power ''To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy.''.

(2) On November 13, 2001, the President issued a military order establishing military commissions to try individuals detained in the global war on terrorism.

(3) On June 29, 2006, the Supreme Court held in Hamdan v. Rumsfeld (126 S. Ct. 2749 (2006)) that—

(A) the authority to establish military commissions ''can derive only from the powers granted jointly to the President and Congress in time of war'';

(B) the military commission established by the President to try Hamdan ''lacks the power

to proceed'' because the procedures governing the commission departed impermissibly from the procedures governing courts martial and the requirements of Common Article 3 of the Geneva Conventions; and

(C) procedures governing military commissions may depart from the procedures governing courts martial ''only if some practical need explains deviations from court-martial practice''.

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

(1) aliens detained by the United States who are alleged to have violated the law of war should be tried for their offenses;

(2) it is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish offenders against the law of war;

(3) procedures established by Congress for the use of military commissions should be consistent with the decision of the Supreme Court in Hamdan v. Rumsfeld;

(4) in drafting legislation for the use of military commissions, the Committees on Armed Services of the Senate and the House of Representatives should take into account the views of professional military lawyers who have experience in prosecuting, defending, and judging cases under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(5) the Committee on Armed Services of the Senate is drafting a bipartisan proposal on military commissions that reflects the views of senior military lawyers, and this process must be allowed to move forward; and

(6) as the Judge Advocate General of the Navy explained in testimony before the Committee on Armed Services of the Senate on July 13, 2006, ''[w]e need to think in terms of the long view, and to always put our own sailors, soldiers, Marines, and airmen in the place of an accused when we're drafting these rules to ensure that these rules are acceptable when we have someone in a future war who faces similar rules''.

DIVISION C—INTELLIGENCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2007''.

TITLE XXI—INTELLIGENCE ACTIVITIES

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 2102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 2101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Ninth Congress and in the Classified Annex to such report as incorporated in this division under section 2103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 2103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. ____ of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this division.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this division.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this division that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 2104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and

Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 2102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 2105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 2102(a)

for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 2102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Manage-

ment Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 2106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Ninth Congress, or in the classified annex to this division, is hereby incorporated into this division, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY ON DISCLOSURE OF ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Director of National Intelligence shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) REQUIREMENTS.—The study required by paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress a report on the study required by paragraph (1).

SEC. 2108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 15 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which information in such assessment, report, estimate, legal opinion, or other information relates, make available to such committee such assessment, report, esti-

mate, legal opinion, or other information, as the case may be.

"(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall

notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.''.

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 2301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 2302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 2303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 2304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting '', and includes each member of the Select Committee'' before the semicolon; and

(2) in subparagraph (B), by inserting '', and includes each member of the Permanent Select Committee'' before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

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

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

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion—

''(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

''(B) submit, in writing, to all the members of such committees a summary of the intelligence activities covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such activities.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the

Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

''(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion—

"(A) notify all the members of such committees of the determination not to provide such information in full or to all members of such committees, as the case may be, including a statement of the reasons for such determination; and

"(B) submit, in writing, to all the members of such committees a summary of the covert action covered by such determination that provides sufficient information to permit such members to assess the legality, benefits, costs, and advisability of such covert action.".

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place it appears.

SEC. 2305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

(3) by adding at the end the following new paragraph:

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 2307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

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

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 2308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 2309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Govern-

ment from personal funds, for repayment of a debt owed to the element of the intelligence community.

"(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

"(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

"(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

"(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

"(2) The funding of any other activities authorized to be funded by such appropriation or account.

"(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

"(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

"(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

"(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a

court of competent jurisdiction or in a lawful administrative proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.

SEC. 2310. PILOT PROGRAM ON DISCLOSURE OF RECORDS UNDER THE PRIVACY ACT RELATING TO CERTAIN INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(13) to an element of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))—

''(A) by another element of the intelligence community that maintains the record, if the record is relevant to a lawful and authorized foreign intelligence or counterintelligence activ-

ity conducted by the receiving element of the intelligence community and pertains to an identifiable individual or, upon the authorization of the Director of National Intelligence (or a designee of the Director in a position not lower than Deputy Director of National Intelligence), other than an identifiable individual; or

"(B) by any other agency that maintains the record, if—

"(i) the head of the element of the intelligence community makes a written request to that agency specifying the particular portion of the record that is relevant to a lawful and authorized activity of the element of the intelligence community to protect against international terrorism or the proliferation of weapons of mass destruction; or

"(ii) the head of that agency determines that—

"(I) the record, or particular portion thereof, constitutes terrorism information (as that term is defined in section 1016(a)(4) of the National Security Intelligence Reform Act of

2004 (title I of Public Law 108–458)) or information concerning the proliferation of weapons of mass destruction; and

"(II) the disclosure of the record, or particular portion thereof, will be to an element of the intelligence community authorized to collect and analyze foreign intelligence or counterintelligence information related to international terrorism or the proliferation of weapons of mass destruction.".

(b) EXEMPTION FROM CERTAIN PRIVACY ACT REQUIREMENTS FOR RECORD ACCESS AND ACCOUNTING FOR DISCLOSURES.—Elements of the intelligence community set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) receiving a disclosure under subsection (b)(13) of section 552a of title 5, United States Code, shall not be required to comply with subsection (c)(3), (c)(4), or (d) of such section 552a with respect to such disclosure, or the records, or portions thereof, disclosed under subsection (b)(13) of such section 552a.

(c) CONSULTATION ON DETERMINATIONS OF INFORMATION TYPE.—Such section is further amended by adding at the end the following new subsection:

''(w) AUTHORITY TO CONSULT ON DETERMINATIONS OF INFORMATION TYPE.—When determining for purposes of subsection (b)(13)(B)(ii) whether a record constitutes terrorism information (as that term is defined in section 1016(a)(4)) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3665)) or information concerning the proliferation of weapons of mass destruction, the head of an agency may consult with the Director of National Intelligence or the Attorney General.''.

(d) CONSTRUCTION.—Nothing in the amendments made by this section shall be deemed to constitute authority for the receipt, collection, or retention of information unless the receipt, collection, or retention of such information by the element of the intelligence community concerned is otherwise authorized by the Constitution, laws, or Executive orders of the United States.

(e) RECORDKEEPING REQUIREMENTS.—

(1) RETENTION OF REQUESTS.—Any request made by the head of an element of the intelligence community to another department or agency of the Federal Government under paragraph (13)(B)(i) of

section 552a(b) of title 5, United States Code (as added by subsection (a)), shall be retained by such element of the intelligence community in a manner consistent with the protection of intelligence sources and methods. Any request so retained should be accompanied by an explanation that supports the assertion of the element of the intelligence community requesting the record that the information was, at the time of request, relevant to a lawful and authorized activity to protect against international terrorism or the proliferation of weapons of mass destruction.

(2) ACCESS TO RETAINED REQUESTS.—An element of the intelligence community retaining a request, and any accompanying explanation, under paragraph (1) shall, consistent with the protection of intelligence sources and methods, provide access to such request, and any accompanying explanation, to the following:

(A) The head of the department or agency of the Federal Government receiving such request, or the designee of the head of such department or agency, if—

(i) the access of such official to such request, and any accompanying expla-

nation, is consistent with the protection of intelligence sources and methods;

(ii) such official is appropriately cleared for access to such request, and any accompanying explanation; and

(iii) the access of such official to such request, and any accompanying explanation, is necessary for the performance of the duties of such official.

(B) The Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

(C) The Inspector General of any element of the intelligence community having jurisdiction over the matter.

(f) REPORTS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter through the termination of this section and the amendments made by this section under subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate com-

mittees of Congress a report on the administration of this section and the amendments made by this section.

(2) FINAL REPORT.—Not later than six months before the date specified in subsection (j), the Director of National Intelligence and the Attorney General, in coordination with the Privacy and Civil Liberties Oversight Board, shall jointly submit to the appropriate committees of Congress a report on administration of this section and the amendments made by this section. The report shall include the recommendations of the Director and the Attorney General, as they consider appropriate, regarding the continuation in effect of such amendments after such date.

(3) REVIEW AND REPORT BY PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than six months before the date specified in subsection (j), the Privacy and Civil Liberties Oversight Board shall—

(A) review the administration of the amendments made by this section; and

(B) in a manner consistent with section 1061(c)(1) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–

458; 118 Stat. 3684; 5 U.S.C. 601 note), submit to the appropriate committees of Congress a report providing such advice and counsel on the administration of this section and the amendments made by this section as the Board considers appropriate.

(4) FORM OF REPORTS.—Each report under this subsection shall, to the maximum extent practicable, be submitted in unclassified form. Any classified annex included with such a report shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Attorney General and the Director of National Intelligence shall, in consultation with the Secretary of Defense and other appropriate officials, jointly prescribe guidelines governing the implementation and exercise of the authorities provided in this section and the amendments made by this section.

(2) ELEMENTS.—The guidelines prescribed under paragraph (1) shall—

(A) ensure that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as added by subsection (a)), are implemented in a manner that protects the rights under the Constitution of United States persons;

(B) direct that all applicable policies and procedures governing the receipt, collection, retention, analysis, and dissemination of foreign intelligence information concerning United States persons are appropriately followed; and

(C) provide that the authorities provided under paragraph (13) of section 552a(b) of title 5, United States Code (as so added), are implemented in a manner consistent with existing laws, regulations, and Executive orders governing the conduct of intelligence activities.

(3) FORM.—The guidelines prescribed under paragraph (1) shall be unclassified, to the maximum extent practicable, but may include a classified annex.

(4) SUBMITTAL TO CONGRESS.—The guidelines prescribed under paragraph (1) shall be submitted to the appropriate committees of Congress. Any classified annex included with such guidelines shall be

submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the issuance of the guidelines required by subsection (g).

(2) CERTAIN REQUIREMENTS.—Subsections (f) and (g) shall take effect on the date of the enactment of this Act.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(j) TERMINATION.—This section and the amendments made by this section shall cease to have effect on the date that is three years after the date of the issuance of the guidelines required by subsection (g).

SEC. 2311. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 2312. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the

Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 2313. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discon-

tinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term ''congressional intelligence committees'' means—

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

(B) the Permanent Select Committee of the House of Representatives.

(2) The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 2314. REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements

of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SEC. 2315. SENSE OF CONGRESS ON ELECTRONIC SURVEILLANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States government authorities should have the legal authority to engage in electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization.

(2) Absent emergency or other appropriate circumstances, domestic electronic surveillance should be subject to judicial review in order to protect the privacy of law abiding Americans with no ties to terrorism.

(3) The Foreign Intelligence Surveillance Act of 1978 (FISA) authorizes the President to obtain a warrant for the electronic surveillance of any telephone conversation in which one party is reasonably believed to be a member or agent of a terrorist organization. That Act also establishes procedures for engaging in electronic surveillance without a warrant on a temporary basis when emergency circumstances make obtaining a warrant impractical.

(4) During the quarter century since the enactment of the Foreign Intelligence Surveillance Act of 1978, the Foreign Intelligence Surveillance Court has issued a warrant for electronic surveillance in response to all but 5 of the approximately 19,000 applications for such a warrant.

(5) Congress has amended the Foreign Intelligence Surveillance Act of 1978 numerous times, including six times since September 11, 2001, to streamline the procedures for obtaining a warrant from the Foreign Intelligence Surveillance Court.

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

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives must be fully briefed on the history, operation, and usefulness of the warrantless wiretapping program carried out by the National Security Agency;

(2) Congress should modify the Foreign Intelligence Surveillance Act of 1978 as needed to ensure that the government may engage in electronic surveillance of telephone conversations in which one party is reasonably believed to be a member or agent of a terrorist organization;

(3) the requirement that the government must, absent emergency or other appropriate circumstances, obtain a judicial warrant prior to engaging in electronic surveillance of a United States person should remain in place to protect the privacy of law abiding Americans with no ties to terrorism; and

(4) the President is not above the law and must abide by congressionally-enacted procedures for engaging in electronic surveillance.

TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 2401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following the following new subparagraphs:

''(G) in carrying out this subsection, have the authority—

''(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

SEC. 2402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-

fore the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. 2403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting "(1)" before "Unless"; and

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

"(2) The Director of National Intelligence shall—

"(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

"(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subpara-

graph (A) throughout the intelligence community; and

"(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.".

SEC. 2404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

"(A) the Director may authorize the use of interagency financing for—

"(i) national intelligence centers established by the Director under section 119B; and

"(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

"(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

"(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 2405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking "**WITH**" and inserting "**OF HEADQUARTERS WITH HEADQUARTERS OF**";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 2406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 2407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking "the Presi-

1 dent, by and with the advice and consent of the Sen-
2 ate'' and inserting ''the Director of National Intel-
3 ligence''.
4 (2) APPLICABILITY.—The amendment made by
5 paragraph (1) shall take effect on the date of the en-
6 actment of this Act, and shall apply with respect to
7 any appointment of an individual as Chief Informa-
8 tion Officer of the Intelligence Community that is
9 made on or after that date.
10 (b) TITLE.—Such section is further amended—
11 (1) in subsection (a), by inserting ''of the Intel-
12 ligence Community'' after ''Chief Information Offi-
13 cer'';
14 (2) in subsection (b), by inserting ''of the Intel-
15 ligence Community'' after ''Chief Information Offi-
16 cer'';
17 (3) in subsection (c), by inserting ''of the Intel-
18 ligence Community'' after ''Chief Information Offi-
19 cer''; and
20 (4) in subsection (d), by inserting ''of the Intel-
21 ligence Community'' after ''Chief Information Offi-
22 cer'' the first place it appears.

SEC. 2408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

"(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

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

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intel-

ligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intel-

1 ligence sources and methods, provide the Inspector Gen-
2 eral with a copy of such report.
3 ''(4) The Inspector General may submit to the con-
4 gressional intelligence committees any comments on a re-
5 port of which the Inspector General has notice under para-
6 graph (3) that the Inspector General considers appro-
7 priate.
8 ''(f) AUTHORITIES.—(1) The Inspector General of
9 the Intelligence Community shall have direct and prompt
10 access to the Director of National Intelligence when nec-
11 essary for any purpose pertaining to the performance of
12 the duties of the Inspector General.
13 ''(2)(A) The Inspector General shall have access to
14 any employee, or any employee of a contractor, of any ele-
15 ment of the intelligence community whose testimony is
16 needed for the performance of the duties of the Inspector
17 General.
18 ''(B) The Inspector General shall have direct access
19 to all records, reports, audits, reviews, documents, papers,
20 recommendations, or other material which relate to the
21 programs and operations with respect to which the Inspec-
22 tor General has responsibilities under this section.
23 ''(C) The level of classification or compartmentation
24 of information shall not, in and of itself, provide a suffi-

1 cient rationale for denying the Inspector General access
2 to any materials under subparagraph (B).
3 "(D) Failure on the part of any employee, or any em-
4 ployee of a contractor, of any element of the intelligence
5 community to cooperate with the Inspector General shall
6 be grounds for appropriate administrative actions by the
7 Director or, on the recommendation of the Director, other
8 appropriate officials of the intelligence community, includ-
9 ing loss of employment or the termination of an existing
10 contractual relationship.
11 "(3) The Inspector General is authorized to receive
12 and investigate complaints or information from any person
13 concerning the existence of an activity constituting a viola-
14 tion of laws, rules, or regulations, or mismanagement,
15 gross waste of funds, abuse of authority, or a substantial
16 and specific danger to the public health and safety. Once
17 such complaint or information has been received from an
18 employee of the Federal Government—
19 "(A) the Inspector General shall not disclose
20 the identity of the employee without the consent of
21 the employee, unless the Inspector General deter-
22 mines that such disclosure is unavoidable during the
23 course of the investigation or the disclosure is made
24 to an official of the Department of Justice respon-

sible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector

1 General shall obtain information, documents, reports, an-
2 swers, records, accounts, papers, and other data and evi-
3 dence for the purpose specified in subparagraph (A) using
4 procedures other than by subpoenas.

5 ''(C) The Inspector General may not issue a subpoena
6 for or on behalf of any other element of the intelligence
7 community, including the Office of the Director of Na-
8 tional Intelligence.

9 ''(D) In the case of contumacy or refusal to obey a
10 subpoena issued under this paragraph, the subpoena shall
11 be enforceable by order of any appropriate district court
12 of the United States.

13 ''(g) COORDINATION AMONG INSPECTORS GENERAL
14 OF INTELLIGENCE COMMUNITY.—(1) In the event of a
15 matter within the jurisdiction of the Inspector General of
16 the Intelligence Community that may be subject to an in-
17 vestigation, inspection, or audit by both the Inspector
18 General of the Intelligence Community and an Inspector
19 General, whether statutory or administrative, with over-
20 sight responsibility for an element or elements of the intel-
21 ligence community, the Inspector General of the Intel-
22 ligence Community and such other Inspector or Inspectors
23 General shall expeditiously resolve which Inspector Gen-
24 eral shall conduct such investigation, inspection, or audit.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

"(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be pro-

1 vided with appropriate and adequate office space at cen-
2 tral and field office locations, together with such equip-
3 ment, office supplies, maintenance services, and commu-
4 nications facilities and services as may be necessary for
5 the operation of such offices.

6 ''(2)(A) Subject to applicable law and the policies of
7 the Director of National Intelligence, the Inspector Gen-
8 eral shall select, appoint, and employ such officers and em-
9 ployees as may be necessary to carry out the functions
10 of the Inspector General. The Inspector General shall en-
11 sure that any officer or employee so selected, appointed,
12 or employed has security clearances appropriate for the
13 assigned duties of such officer or employee.

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

19 ''(C) In meeting the requirements of this paragraph,
20 the Inspector General shall create within the Office of the
21 Inspector General of the Intelligence Community a career
22 cadre of sufficient size to provide appropriate continuity
23 and objectivity needed for the effective performance of the
24 duties of the Inspector General.

1 "(3)(A) Subject to the concurrence of the Director,
2 the Inspector General may request such information or as-
3 sistance as may be necessary for carrying out the duties
4 and responsibilities of the Inspector General from any de-
5 partment, agency, or other element of the United States
6 Government.

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 "(C) The Inspector General of the Intelligence Com-
16 munity may, upon reasonable notice to the head of any
17 element of the intelligence community, conduct, as author-
18 ized by this section, an investigation, inspection, or audit
19 of such element and may enter into any place occupied
20 by such element for purposes of the performance of the
21 duties of the Inspector General.

22 "(i) REPORTS.—(1)(A) The Inspector General of the
23 Intelligence Community shall, not later than January 31
24 and July 31 of each year, prepare and submit to the Di-
25 rector of National Intelligence a classified, and, as appro-

priate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

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

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director

shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

"(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant

1 documentary information in the course of an inves-
2 tigation, inspection, or audit,
3 the Inspector General shall immediately notify and submit
4 a report on such matter to the congressional intelligence
5 committees.
6 ''(4) Pursuant to title V, the Director shall submit
7 to the congressional intelligence committees any report or
8 findings and recommendations of an investigation, inspec-
9 tion, or audit conducted by the office which has been re-
10 quested by the Chairman or Vice Chairman or Ranking
11 Minority Member of either committee.
12 ''(5)(A) An employee of an element of the intelligence
13 community, an employee assigned or detailed to an ele-
14 ment of the intelligence community, or an employee of a
15 contractor to the intelligence community who intends to
16 report to Congress a complaint or information with respect
17 to an urgent concern may report such complaint or infor-
18 mation to the Inspector General.
19 ''(B) Not later than the end of the 14-calendar day
20 period beginning on the date of receipt from an employee
21 of a complaint or information under subparagraph (A),
22 the Inspector General shall determine whether the com-
23 plaint or information appears credible. Upon making such
24 a determination, the Inspector General shall transmit to

the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

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

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

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

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information,

but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may

be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community.".

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 2409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) ESTABLISHMENT.—" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 2410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE CENTER

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

"(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Center.".

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee

on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 2411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

"OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search,

review, publication, or disclosure in connection therewith when—

"(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

"(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

"(2) Information and records described in this paragraph are the following:

"(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

"(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

"(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

"(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

"(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting

before the item relating to section 701 the following new item:

"Sec. 700. Operational files in the Office of the Director of National Intelligence.".

SEC. 2412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

"(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

"(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.".

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

''(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.''.

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—''after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 2413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

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

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 2414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

"(3) the Office of the Director of National Intelligence.".

SEC. 2415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 2416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 2421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting ''from civilian life'' after ''who shall be appointed''.

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

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

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence

Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.".

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (e)".

(d) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(e) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by adding at the end the following new subparagraph:

"(C) The Deputy Director of the Central Intelligence Agency.".

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR AD-

1 MINISTRATIVELY PERFORMING DUTIES OF DEPUTY DI-
2 RECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A
3 commissioned officer of the Armed Forces who is serving
4 as the Director of the Central Intelligence Agency or is
5 engaged in administrative performance of the duties of
6 Deputy Director of the Central Intelligence Agency as of
7 the date of the enactment of this Act shall not, while con-
8 tinuing in such service, or in the administrative perform-
9 ance of such duties, after that date—
10 (A) be subject to supervision or control by the
11 Secretary of Defense or by any officer or employee
12 of the Department of Defense; or
13 (B) exercise, by reason of the officer's status as
14 a commissioned officer, any supervision or control
15 with respect to any of the military or civilian per-
16 sonnel of the Department of Defense except as oth-
17 erwise authorized by law.
18 (2) Except as provided in subparagraph (A) or (B)
19 of paragraph (1), the service, or the administrative per-
20 formance of duties, described in that paragraph by an offi-
21 cer described in that paragraph shall not affect the status,
22 position, rank, or grade of such officer in the Armed
23 Forces, or any emolument, perquisite, right, privilege, or
24 benefit incident to or arising out of such status, position,
25 rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with

the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 2422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i)

and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))''.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking ''OF DCI'';

(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(e)(4)'';

(3) by striking ''of National Intelligence''; and

(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.

SEC. 2423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 2421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and

(3) by adding at the end the following new paragraph:

''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007.''; and

(2) in the second sentence—

(A) by striking ''section 104A(g)(2), as so added'' and inserting ''subsection (h)(2) of section 104A, as so added and redesignated''; and

(B) by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.

SEC. 2424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

(3) by adding at the end the following new subparagraph:

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed

or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 2425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and

other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future

receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified infor-

mation, assist the Director in the preparation of the report required by subsection (a).

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

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 2431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 2432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a)

are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. 2433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by

striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such

statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 2434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned,

except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 2435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall

also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 2436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudica-

tions for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 2441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 2442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

"SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

"SEC. 23A. (a) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

"(1) the services to be procured are urgent or unique; and

"(2) it would not be practicable for the Department to obtain such services by other means.

"(b) TREATMENT AS EMPLOYEES OF THE UNITED STATES GOVERNMENT.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall

not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

''(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

''(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.''.

SEC. 2443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 2444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE XXV—OTHER MATTERS

SEC. 2501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 2502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 2503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the

second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 2504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).

(2) Section 193(e).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 431(b)(1).

(8) Section 441(c).

(9) Section 441(d).

(10) Section 443(d).

(11) Section 2273(b)(1).

(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).

(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 2505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (d), (e), (f), and (g) of

section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 2506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 2507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 2508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Im-

agery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1) (in clause (K)).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

"§ 1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

DIVISION D—TRANSPORTATION SECURITY

TITLE XXXI—MARITIME SECURITY

SEC. 3101. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Maritime Transportation Security Act of 2006''.

(b) DEFINITIONS.—In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Customs.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) SECRETARY.—The term ''Secretary'' means the Security of Homeland Security.

SEC. 3102. INTERAGENCY OPERATIONAL COMMAND CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70103 the following new section:

''§ 70103A. Interagency operational command centers for port security

''(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary, shall establish interagency operational command centers for port security at all high priority ports.

''(b) CHARACTERISTICS.—The interagency operational centers shall—

''(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San

Diego, California and the virtual operation center at the port of New York/New Jersey;

"(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each center is operating;

"(3) provide for participation by—

"(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, the Department of Justice, and other Federal agencies, determined to be appropriate by the Secretary of Homeland Security;

"(B) representatives of State and local law enforcement or port security personnel; and

"(C) members of the area maritime security committee, as deemed appropriate by the Coast Guard Captain of the Port;

"(4) be incorporated in the implementation and administration of—

"(A) maritime transportation security plans developed under section 70103 of this title;

"(B) maritime intelligence activities under section 70113 of this title;

"(C) short and long range vessel tracking under sections 70114 and 70115 of this title;

"(D) secure transportation systems under section 70119 of this title;

"(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs;

"(F) the transportation security incident response plans required by section 70104 of this title; and

"(G) the execution of the protocols established under sections 3119 and 3120 of the Maritime Transportation Security Act of 2006 and the amendments made by such sections.

"(c) REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed for the report required by such section 807 in carrying out the requirements of this section.

"(d) SECURITY CLEARANCE ASSISTANCE.—The Secretary may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appro-

priate security clearances and in maintaining their security clearances.

"(e) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of this title) involving a port, the Coast Guard Captain of the Port, designated by the Commandant of the Coast Guard, in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of this title or by the President.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70103 the following new item:

"70103A. Interagency operational command centers for port security.".

(c) BUDGET AND COST-SHARING ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security of the House of Representatives, a proposed budget analysis for implementing subsection (a) of section 70103A of title 46, United States Code (as added by subsection (a) of this section), including cost-sharing arrangements with other

departments and agencies of the Federal Government involved in the interagency operation of the centers established under such section 70101A.

SEC. 3103. SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) include a salvage response plan—

''(i) to identify salvage equipment capable of restoring operational trade capacity; and

''(ii) to ensure that the flow of cargo through United States ports is reestablished as efficiently and quickly as possible after a transportation security incident.''.

SEC. 3104. VESSEL AND FACILITY SECURITY PLANS.

Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking the ''training, periodic unannounced drills and'';

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;".

SEC. 3105. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 70109. International cooperation and coordination";

and

(2) by adding at the end the following:

"(c) FOREIGN ASSISTANCE PROGRAMS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security

antiterrorism measures in foreign countries. The Secretary shall establish a strategic plan to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

"(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and United States;

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

"(3) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Sec-

retary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

"(A) to promote standards for the security of containers and other cargo moving within the international supply chain;

"(B) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under the Maritime Transportation Security Act of 2006;

"(C) to implement the requirements of the container security initiative under section 70117; and

"(D) to implement standards and procedures established under section 70119.".

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the

House of Representatives, and the Committee on Homeland Security of the House of Representatives a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by July 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is

amended by striking the item relating to section 70901 and inserting the following:

"70109. International cooperation and coordination.".

SEC. 3106. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "based on risk and vulnerability".

(b) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding for eligible costs. Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.".

SEC. 3107. OPERATION SAFE COMMERCE.

Section 70107 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(j) OPERATION SAFE COMMERCE.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Maritime Transportation Security Act of 2006, the Secretary shall initiate grant projects that—

"(A) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

"(B) test physical access control protocols and technologies;

"(C) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

"(D) otherwise further maritime and cargo security, as determined by the Secretary.

"(2) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

"(3) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

"(A) the Committee on Commerce, Science, and Transportation of the Senate;

"(B) the Committee on Homeland Security and Government Affairs of the Senate;

"(C) the Committee on Homeland Security of the House of Representatives;

"(D) the Committee on Appropriations of the Senate; and

"(E) the Committee on Appropriations of the House of Representatives.".

SEC. 3108. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall establish a Port Security Training Program (in this section referred to as the "Program") for the purpose of enhancing the capabilities of each commercial seaports in the United States to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

(b) REQUIREMENTS.—The Program shall provide validated training that—

(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

(2) provides training at the awareness, performance, and management and planning levels;

(3) utilizes multiple training mediums and methods, including—

(A) direct delivery;

(B) train-the-trainer;

(C) computer-based training;

(D) web-based training; and

(E) video teleconferencing;

(4) addresses port security topics, including—

(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

(B) seaport security force operations and management;

(C) physical security and access control at seaports;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan and other such national initiatives;

(6) is evaluated against clear and consistent performance measures;

(7) addresses security requirements under facility security plans; and

(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn

what to be watchful for in order to be a ''citizen corps'', if necessary.

(c) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—The Secretary shall—

(1) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training; and

(2) ensure that the training provided under this section is consistent with such standards.

(d) TRAINING PARTNERS.—In developing and delivering training under the Program, the Secretary shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and

(2) utilize, as appropriate, training courses provided by community colleges, public safety academies, State and private universities, and other facilities.

(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants

and Training consults with commercial seaport personnel and management.

(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3109. PORT SECURITY EXERCISE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Port Security Exercise Program (in this section referred to as the ''Program'') for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

(b) REQUIREMENTS.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and United States Customs and Border Protection, shall ensure that the Program—

(1) consolidates all existing port security exercise programs administered by the Department;

(2) conducts, on a periodic basis, port security exercises at commercial seaports that are—

(A) scaled and tailored to the needs of each port;

(B) live in the case of the most at-risk ports;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(3) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (2); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

(c) REMEDIAL ACTION MANAGEMENT SYSTEM.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Remedial Action Management System to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

(4) conduct remedial action tracking and long-term trend analysis.

(d) GRANT PROGRAM FACTOR.—In evaluating and prioritizing applications for the port security grant program under section 70107 of title 46, United States Code, the Secretary shall give additional consideration to those applicants that have conducted port security exercises under this section.

(e) CONSULTATION.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training consults with—

(1) governmental and nongovernmental emergency response providers; and

(2) commercial seaport personnel and management.

(f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—For purposes of this section, the term ''commercial seaport personnel'' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of

intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.

SEC. 3110. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SEC. 3111. DEADLINE FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARDS.

Section 70105(a) of title 46, United States Code, is amended by adding at the end the following:

''(3) The Secretary shall—

''(A) promulgate a final rule to implement this section not later than January 1, 2007;

''(B) conduct a complete review of the biometric card readers not later than 90 days after the promulgation of such rule; and

"(C) implement this section not later than July 1, 2007.".

SEC. 3112. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security, in consultation with the Secretary of the Treasury and the United States Trade Representative, shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Not later than 1 year after date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate) regarding implementation of user fees;

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improving and maintaining security;

(3) includes an assessment of the impact of the fees, charges, and standards on the competitiveness of United States ports and port terminal operators; and

(4) includes recommendations for addressing any negative impact the fees, charges, and standards have on the competitiveness of United States ports and port terminal operators.

SEC. 3113. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is amended to read as follows:

"(D) verify the effectiveness of each such facility security plan periodically, not less than twice annually, at least one of which shall be an inspection of the facility that is conducted without notice to the facility.".

SEC. 3114. FOREIGN PORT ASSESSMENTS.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

"(d) PERIODIC REASSESSMENT.—The Secretary shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than every 3 years.".

SEC. 3115. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Customs, shall conduct a 1-year pilot program to evaluate and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

(1) the results of pilot program; and

(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 3116. DOMESTIC RADIATION DETECTION AND IMAGING.

(a) EXAMINING CONTAINERS.—Not later than December 31, 2007, all containers entering the United States through the busiest 22 seaports of entry shall be examined for radiation.

(b) STRATEGY.—The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed time line of when radiation detection equipment will be deployed at each of the ports of entry identified under paragraph (1);

(3) the type of equipment to be used at each of the ports of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and nonintrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking and communications and response protocols;

(5) operator training plans;

(6) the Department policy for the use of nonintrusive inspection equipment; and

(7) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry used under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit

the strategy developed under subsection (b) to appropriate congressional committees.

(d) OTHER WMD THREATS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a strategy for the deployment of equipment to detect chemical, biological, and other weapons at all ports of entry into the United States to appropriate congressional committees.

(e) IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall fully implement the strategy developed under subsection (b).

SEC. 3117. EVALUATION OF THE ENVIRONMENTAL HEALTH AND SAFETY IMPACTS OF NONINTRUSIVE INSPECTION TECHNOLOGY.

(a) RADIATION SAFETY.—Not later than 90 days after the date of the enactment of this Act, the Director of the National Institutes of Health, in conjunction with the Director of the Domestic Nuclear Detection Office and the Commissioner of Customs, shall—

(1) conduct an evaluation of the health and safety impacts of non-intrusive inspection technology; and

(2) identify appropriate operational protocols for the use of United States Customs and Border Protection non-intrusive inspection equipment.

(b) SUBMISSION TO CONGRESS.—The final evaluation conducted under subsection (a) shall be transmitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

SEC. 3118. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

The Act of February 13, 1911 (36 Stat. 901, chapter 46; 19 U.S.C. 267) is amended by inserting after section 5 the following new section:

"SEC. 5A. AUTHORIZATION FOR CUSTOMS AND BORDER PROTECTION PERSONNEL.

''(a) IN GENERAL.—In addition to any monies hereafter appropriated to the United States Customs and Border Protection of the Department of Homeland Security, there are authorized to be appropriated for the purpose of increasing the number of Customs and Border Protection personnel, to remain available until expended, the following:

''(1) $88,000,000 in fiscal year 2007.

''(2) $176,000,000 in fiscal year 2008.

''(3) $189,000,000 in fiscal year 2009.

"(b) ADDITIONAL PERSONNEL.—The additional personnel authorized under subsection (a) shall include:

"(1) 1,000 additional Customs and Border Protection Officers at United States ports of entry, of which the Commissioner of Customs shall assign—

"(A) at least 1 additional officer at each port of entry in the United States; and

"(B) the balance of the additional officers authorized by this subsection among ports of entry in the United States based upon the volume of trade.

"(2) 100 nonsupervisory import specialists for the purpose of performing trade facilitation and enforcement functions.

"(c) RESOURCE ALLOCATION MODEL.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner of Customs shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a Resource Allocation Model to determine the optimal staffing levels required to carry out the commercial operations of the United States Customs and Border Protection, including inspection and cargo clearance and the revenue functions described in section 412(b)(2) of the Homeland Security

Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply with the requirements of section 412(b)(1) of such Act and shall take into account previous staffing models and historic and projected trade volumes and trends. The Resource Allocation Model shall apply both risk-based and random sampling approaches for determining adequate staffing needs for priority trade functions, including—

"(1) performing revenue functions;

"(2) enforcing antidumping and countervailing laws;

"(3) protecting intellectual property rights;

"(4) enforcing provisions of law relating to textiles;

"(5) conducting agricultural inspections; and

"(6) enforcing penalties.".

SEC. 3119. STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies, public port authorities, and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall submit, to appropriate congressional committees, a comprehensive strategic plan to enhance international supply chain.

(b) CONTENT.—The strategic plan submitted under subsection (a) shall—

(1) clarify and delineate the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private sector stakeholders that relate to the security of the movement of containers arriving in, departing from, or moving through seaports of the United States;

(2) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

(3) build on available resources and consider costs and benefits;

(4) identify mandatory, baseline security goals, and the minimum container security standards and procedures;

(5) include a process for sharing intelligence and information with private sector stakeholders to assist in their security efforts;

(6) identify a framework for prudent and measured response in the event of a transportation security incident (as defined in section 70101 of title 46, United States Code,) in a United States seaport;

(7) provide a plan for the expeditious resumption of the flow of legitimate trade in accordance with the amendments made by section 3120 of this Act;

(8) focus on the secure movement of containerized cargo;

(9) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorist financing programs;

(10) expand upon and relate to existing strategies and plans, including the National Strategy for Maritime Security and the National Maritime Transportation Security Plan; and

(11) ensure that supply chain security mandates and voluntary programs, to the extent practicable, provide even-handed treatment for affected parties of the same type, regardless of the size of the particular business.

(c) UPDATE.—Not less than 3 years after the strategic plan is submitted under subsection (a), the Secretary shall submit an update of the strategic plan to appropriate congressional committees.

(d) CONSULTATIONS.—Consultations described in subsection (a) shall focus on—

(1) designing measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of the international supply chain;

(2) identifying and addressing gaps in capabilities, responsibilities, resources, or authorities;

(3) identifying and streamlining unnecessary overlaps in capabilities, responsibilities, or authorities; and

(4) identifying and making recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain.

(e) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultative process, the Secretary shall utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review the draft strategic plan and any subsequent update to that plan.

(f) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan, the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including, as appropriate, the International Maritime Organization, the World Customs Organization,

the International Labor Organization, and the International Organization for Standardization to establish standards and best practices for the security of containers moving through the international supply chain.

SEC. 3120. RESUMPTION OF TRADE.

(a) Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after the end period: ''The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

''(i) vessels that have a vessel security plan approved under subsection (c) or vessels that have a valid international ship security certificate; and

''(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105.''.

(b) Title III of the Tariff Act of 1930 is amended by inserting after section 318 the following new section:

''SEC. 318A. TRADE RESUMPTION PLAN.

''(a) DEFINITIONS.—In this section:

"(1) INSPECTION.—The term 'inspection' means the comprehensive process used by the personnel of the United States Customs and Border Protection to assess goods entering the United States for duty purposes, to detect the presence of restricted or prohibited items, or to ensure compliance with applicable laws. The process may include screening, conducting an examination, or conducting a search.

"(2) TARGETING.—The term 'targeting' means the process used by the personnel of the United States Customs and Border Protection to determine the risk of security or trade violations associated with cargo bound for the United States.

"(3) TRANSPORTATION DISRUPTION.—The term 'transportation disruption' means any significant delay, interruption, or stoppage in the flow of international trade caused by a natural disaster, labor dispute, heightened threat level, an act of terrorism, or any transportation security incident defined in section 1572.3 of title 49, Code of Federal Regulations.

"(b) TRADE RESUMPTION PLAN.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop a Trade Resumption

Plan to provide for the resumption of trade in the event of a transportation disruption. The Plan shall include—

"(1) a program to redeploy resources and personnel, as necessary, to reestablish the flow of international trade in the event of a transportation disruption;

"(2) a training program to periodically instruct personnel of the United States Customs and Border Protection in trade resumption functions in the event of a transportation disruption;

"(3) a plan to revise cargo targeting and inspection protocols to meet the security and trade facilitation needs of the United States following a transportation disruption, including, to the extent practicable, giving priority to—

"(A) cargo originating from a designated port described in section 629(j);

"(B) cargo that has been handled, stored, shipped, and imported by, or otherwise processed by, a tier 3 participant in the Customs-Trade Partnership Against Terrorism (C–TPAT);

"(C) cargo that has undergone nuclear or radiological detection scan, x-ray or density scan, and optical character recognition scan, at

the last port of departure prior to arrival in the United States;

"(D) cargo transported in containers with tamper-proof seals;

"(E) perishable cargo; and

"(F) any other cargo the Commissioner considers appropriate;

"(4) a plan to communicate any revised procedures or instructions to the private sector following a transportation disruption; and

"(5) a plan to coordinate trade facilitation efforts among affected ports of entry following a transportation disruption.

"(c) CONSULTATIONS.—

"(1) IN GENERAL.—The Commissioner of Customs shall consult with appropriate government agencies, port authorities, terminal operators, and the Customs Commercial Operations Advisory Committee (COAC) in the development of the Trade Resumption Plan.

"(2) PUBLIC COMMENT.—The Commissioner of Customs shall afford port authorities, terminal operators, and the COAC 60 days in which to comment on a draft Trade Resumption Plan before finalizing such plan.

"(d) EXERCISES.—The Commissioner of Customs shall coordinate annual exercises with appropriate Federal, State, and local agencies, port authorities, terminal operators, and tier 3 participants in the C–TPAT to practice and prepare for implementation of the Trade Resumption Plan. Such exercises shall be coordinated with the Coast Guard's area maritime security plan exercises.

"(e) REPORT AND CONSULTATION.—Not later than 180 days after the date that the annual exercises described in subsection (d) are completed, the Commissioner of Customs shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the status of the Trade Resumption Plan required by subsection (b) and the result of exercises required by subsection (d), and shall consult with the committees regarding any proposals to revise the Plan.".

SEC. 3121. AUTOMATED TARGETING SYSTEM.

Title III of the Tariff Act of 1930, as added by section 3120 of this Act, is amended by inserting after section 318A the following:

"SEC. 318B. AUTOMATED TARGETING SYSTEM.

"(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of Customs, shall develop and maintain an antiterrorism cargo identification

1 and screening system for containerized cargo shipped to
2 the United States either directly or via a foreign port to
3 assess imports and target those imports that pose a high
4 risk of containing contraband.

5 "(b) 24-HOUR ADVANCE NOTIFICATION.—In order
6 to provide the best possible data for the Automated Tar-
7 geting System, the Commissioner shall require importers
8 shipping goods to the United States via cargo container
9 to supply advanced trade data or a subset thereof not later
10 than 24 hours before loading a container under the ad-
11 vance notification requirements under section 484(a)(2).
12 The requirement shall apply to goods entered on or after
13 July 1, 2007.

14 "(c) NEW OR EXPANDED INFORMATION SUBMIS-
15 SIONS.—

16 "(1) IN GENERAL.—Any additional information
17 submissions allowable within the Commissioner's ex-
18 isting authority or submitted voluntarily by supply
19 chain participants shall be transmitted in a secure
20 fashion, as determined by the Commissioner and in
21 accordance with this subsection, to protect the infor-
22 mation from unauthorized access.

23 "(2) CONFIDENTIALITY OF INFORMATION.—In-
24 formation that is required of, or voluntarily sub-
25 mitted by, supply chain participants to the United

States Customs and Border Protection for purposes of this section—

"(A) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

"(B) shall not, without the written consent of the person or entity submitting such information, be used directly by the Department or a third party, in any civil action arising under Federal or State law if such information is submitted in good faith; and

"(C) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this section, except—

"(i) in furtherance of an investigation or other prosecution of a criminal act; or

"(ii) when disclosure of the information would be—

"(I) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or sub-

committee thereof, any joint committee thereof or subcommittee of any such joint committee; or

"(II) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Comptroller General.

"(3) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this subsection shall be construed to limit or otherwise affect the ability of a Federal, State, or local, government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

"(4) PENALTIES.—Any person who is an officer or employee of the United States and knowingly publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law, any supply chain security information protected in this section from disclosure, shall be—

"(A) fined under title 18, United States Code, imprisoned not more than 1 year, or both; and

"(B) removed from office or employment.

"(5) AUTHORITY TO ISSUE WARNINGS.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning under this paragraph, the Secretary shall take appropriate actions to protect from disclosure—

"(A) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

"(B) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

"(6) SYSTEM IMPROVEMENTS.—The Automated Targeting System used by the United States Customs and Border Protection to identify cargo for increased inspection prior to the clearance of such cargo into the United States shall include a component to permit—

"(A) the electronic comparison of similar manifest and available entry data for cargo entered into or bound for the United States, in

order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption; and

"(B) the electronic isolation of select data elements relating to cargo entered into or bound for the United States, in order to efficiently identify cargo for increased inspection or expeditious release following a transportation disruption.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the Automated Targeting System to identify high-risk oceanborne container cargo for inspection—

"(A) $30,700,000 for fiscal year 2007;

"(B) $33,200,000 for fiscal year 2008; and

"(C) $35,700,000 for fiscal year 2009.

"(2) SUPPLEMENT.—The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that the Automated Targeting System.".

SEC. 3122. CONTAINER SECURITY INITIATIVE.

(a) AUTHORIZATION.—The Secretary, acting through the Commissioner of Customs, is authorized to establish

and implement a program (to be known as the ''Container Security Initiative'' or ''CSI'') to identify and examine maritime containers that pose a security risk at foreign ports before the containers are shipped to the United States.

(b) ASSESSMENT.—Before the Secretary designates any foreign port under CSI, the Secretary, in coordination with other Federal officials, as appropriate, shall conduct an assessment of the port to evaluate the costs, benefits, and other factors associated with such designation, including—

(1) the level of risk for the potential compromise of containers by terrorists or terrorist weapons;

(2) the smuggling of narcotics;

(3) large scale violations of united States trade laws, including intellectual property rights and textile transshipment;

(4) the economic impact of cargo traveling from the foreign port to the United States in terms of trade value and volume;

(5) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

(6) the capabilities and level of cooperation expected of the government of the intended host country;

(7) the willingness of the government of the intended host country to permit validation of security practices within the country in which the foreign port is located, for the purposes of C–TPAT or similar programs; and

(8) the potential for C–TPAT cargo traveling through the foreign port.

(c) ANNUAL REPORT.—Not later than March 1 of each year in which the Secretary proposes to designate a foreign port under CSI, the Secretary shall submit a report, in classified or unclassified form, detailing the assessment of each foreign port the Secretary is considering designating under CSI, to appropriate congressional committees.

(d) CURRENT CSI PORTS.—The report under subsection (c) shall include an annual assessment justifying the continuance of each port designated under CSI as of the date of enactment of this Act.

(e) DESIGNATION OF NEW PORTS.—The Secretary shall not designate a foreign port under CSI unless the Secretary has completed the assessment required in sub-

section (b) for that port and submitted a report under subsection (c) that includes that port.

(f) NEGOTIATIONS.—The Secretary may request that the Secretary of State, in conjunction with the United States Trade Representative, enter into trade negotiations with the government of each foreign country with a port designated under CSI, as appropriate, to ensure full compliance with the requirements under CSI.

(g) INSPECTIONS.—

(1) REQUIREMENTS AND PROCEDURES.—The Secretary shall—

(A) establish technical capability requirements and standard operating procedures for the use of nonintrusive inspection and radiation detection equipment in conjunction with CSI;

(B) require that the equipment operated at each port designated under CSI be operated in accordance with the requirements and procedures established under subparagraph (A); and

(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under CSI.

(2) CONSIDERATIONS.—

(A) CONSISTENCY OF STANDARDS AND PROCEDURES.—In establishing the technical ca-

pability requirements and standard operating procedures under paragraph (1)(A), the Secretary shall take into account any such relevant standards and procedures utilized by other Federal departments or agencies as well as those developed by international bodies.

(B) APPLICABILITY.—The technical capability requirements and standard operating procedures established pursuant to paragraph (1)(A) shall not apply to activities conducted under the Megaports Initiative of the Department of Energy.

(3) FOREIGN ASSISTANCE.—

(A) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and other Federal agencies, shall identify foreign assistance programs that could facilitate the implementation of cargo security antiterrorism measures at ports designated under CSI and foreign ports not designated under CSI that lack effective antiterrorism measures.

(B) ACQUISITION.—The Secretary may—

(i) lease, loan, provide, or otherwise assist in the deployment of non-intrusive

inspection and handheld radiation detection equipment at foreign seaports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(ii) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(C) TRAINING.—The Secretary may provide training on the use of inspection equipment, or other training that the Secretary determines to be appropriate to secure the international supply chain, to foreign personnel at each port designated under CSI.

(h) PERSONNEL.—The Secretary shall—

(1) annually assess the personnel needs at each port designated under CSI; and

(2) deploy personnel in accordance with the assessment under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $142,000,000 for fiscal year 2007;

(2) $144,000,000 for fiscal year 2008; and

(3) $146,000,000 for fiscal year 2009.

SEC. 3123. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM VALIDATION PROGRAM.

(a) ESTABLISHMENT.—

(1) ESTABLISHMENT.—The Secretary is authorized to establish a voluntary program (to be known as the ''Customs-Trade Partnership Against Terrorism'' or ''C–TPAT'') to strengthen and improve the overall security of the international supply chain and United States border security.

(2) MINIMUM SECURITY REQUIREMENTS.—The Secretary shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

(b) ELIGIBLE ENTITIES.—Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

(c) MINIMUM REQUIREMENTS.—An applicant seeking to participate in C–TPAT shall—

(1) demonstrate a history of moving commerce in the international supply chain;

(2) conduct an assessment of its supply chains based upon security criteria established by the Secretary, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness; and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria; and

(4) meet all other requirements established by the Secretary.

(d) TIER ONE PARTICIPANTS.—

(1) BENEFITS.—The Secretary may offer limited benefits to C–TPAT participants whose security measures and supply chain security practices have been certified in accordance with the guidelines established pursuant to subsection (c).

(2) GUIDELINES.—The Secretary shall update guidelines for certifying a C–TPAT participant's se-

curity measures and supply chain security practices under this section.

(e) TIER TWO PARTICIPANTS.—

(1) IN GENERAL.—Not later than 1 year after a C–TPAT participant has been certified under subsection (d), the Secretary shall validate the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilized by the participant as part of the supply chain.

(2) CONSEQUENCES FOR FAILED VALIDATION.—If a C–TPAT participant's security measures and supply chain security practices fail to meet the validation requirements under this section, the Commissioner of Customs may—

(A) deny the participant benefits under C–TPAT on a temporary or permanent basis; or

(B) suspend or expel the participant from C–TPAT.

(3) RIGHT OF APPEAL.—A C–TPAT participant described in this subsection may file an appeal with the Secretary of the Commissioner's decision under paragraph (2) to deny benefits under C–TPAT or under paragraph (2) to suspend or expel the participant from C–TPAT.

(4) BENEFITS.—The Secretary shall extend benefits to each C–TPAT participant that has been validated under this section, which may include—

(A) reduced examinations; and

(B) priority processing for searches.

(f) TIER THREE PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall establish a third tier of C–TPAT that offers additional benefits to C–TPAT participants that demonstrate a sustained commitment beyond the minimum criteria for participation in C–TPAT.

(2) ADDITIONAL CRITERIA.—The Secretary shall designate criteria for C–TPAT participants under this section that may include criteria to ensure—

(A) cargo is loaded on a vessel with a vessel security plan approved under section 70103(c) of title 46, United States Code, or on a vessel with a valid International Ship Security Certificate as provided for under part 104 of title 33, Code of Federal Regulations;

(B) container security devices, policies, or practices that exceed the standards and procedures established by the Secretary are utilized; and

(C) cargo complies with any other requirements determined by the Secretary.

(3) BENEFITS.—The Secretary, in consultation with the Commercial Operations Advisory Committee (COAC) and the National Maritime Security Advisory Committee, may provide benefits to C–TPAT participants under this section, which may include—

(A) the expedited release of tier three cargo into destination ports within the United States during all threat levels designated by the Secretary;

(B) preference to vessels;

(C) further reduced examinations;

(D) priority processing for examinations; and,

(E) further reduced scores in the Automated Targeting System.

(4) DEFINITION.—In this section, the term ''container security device'' means a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent.

(g) CONSEQUENCES FOR LACK OF COMPLIANCE.—

(1) IN GENERAL.—If a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this title, the Commissioner may deny the participant benefits in whole or in part under this section.

(2) FALSE OR MISLEADING INFORMATION.—If a C–TPAT participant intentionally provides false or misleading information during the validation process of the participant under this section, the Commissioner of Customs shall suspend or expel the participant from C–TPAT for a period of not less than 5 years.

(3) RIGHT OF APPEAL.—A C–TPAT participant may file an appeal with the Secretary of the Commissioner's decision under this subsection to deny benefits or suspend or expel the participant from C–TPAT.

(h) REVALIDATION.—The Secretary shall establish a process for revalidating C–TPAT participants under this title. Such revalidation shall occur not less frequently than once during every 4-year period following the initial validation.

(i) NON-CONTAINERIZED CARGO.—The Secretary may consider the potential for participation in C–TPAT

1 by importers of non-containerized cargoes that otherwise
2 meet the requirements under this section.
3 (j) STRATEGIC PLAN.—A 5-year Strategic Plan to
4 identify outcome-based goals and performance measures
5 of the Program.
6 (1) ANNUAL PLAN.—An annual plan for each
7 fiscal year designed to match available resources to
8 the projected workload.
9 (2) RESOURCE MANAGEMENT STAFFING
10 PLAN.—The Commissioner shall—
11 (A) develop a staffing plan to recruit,
12 train, and retain staff (including a formalized
13 training program) to meet the objectives identi-
14 fied in the strategic plan;
15 (B) conduct a study of the Program's
16 training needs and develop a comprehensive
17 training program to support the certification,
18 validation, and revalidation processes of the
19 Program; and
20 (C) provide cross-training in post-incident
21 trade resumption for personnel engaged in the
22 Program.
23 (k) ADDITIONAL PERSONNEL.—In each of the fiscal
24 years 2007 through 2009, the Secretary shall increase by
25 not less than 50 (over the previous fiscal year) the number

of positions for validation and revalidation activities of the C–TPAT, and shall provide appropriate training and support for the positions.

(l) CONFIDENTIAL INFORMATION SAFEGUARDS.—In consultation with COAC, the Commissioner shall develop and implement procedures to ensure the protection of confidential data collected, stored, or shared with government agencies or as part of the application, validation, or revalidation. The procedures shall include—

(1) measures for protecting data shared with any government agency;

(2) measures for providing a secure system for document storage accessible only to the appropriate personnel;

(3) measures for storing all electronic files in a manner that prevents theft, copying, or deletion; and

(4) measures for labeling all records to clearly mark what is considered confidential or a trade secret.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $75,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

SEC. 3124. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Domestic Nuclear Detection Office, in consultation with the Director of the National Institute of Science and Technology and the Commissioner of Customs, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Director of the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies.

(c) FINAL RULE DEADLINE.—The Director of the Domestic Nuclear Detection Office shall issue a final rule under subsection (a) not later than 1 year after the rulemaking proceeding is initiated.

SEC. 3125. RANDOM INSPECTION OF CONTAINERS.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. 3126. INTERNATIONAL TRADE DATA SYSTEM.

(a) IN GENERAL.—Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following new subsections:

''(d) INTERNATIONAL TRADE DATA SYSTEM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury (in this section, referred to as the 'Secretary') shall oversee the establishment of an electronic trade data interchange system to be known as the 'International Trade Data System' (ITDS). The ITDS shall be implemented not later than the date that the Automated

Commercial Environment (commonly referred to as 'ACE') is implemented.

"(B) PURPOSE.—The purpose of the ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade, by establishing a single portal system, operated by the United States Customs and Border Protection, for the collection and distribution of standard electronic import and export data required by all Federal agencies.

"(C) PARTICIPATION.—

"(i) IN GENERAL.—All Federal agencies that require documentation for clearing or licensing the importation and exportation of cargo shall participate in the ITDS.

"(ii) WAIVER.—The Director of the Office of Management and Budget may waive, in whole or in part, the requirement for participation for any Federal agency based on national security.

"(D) CONSULTATION.—The Secretary shall consult with and assist agencies in the

transition from paper to electronic format for the submission, issuance, and storage of documents relating to data required to enter cargo into the United States.

"(2) DATA ELEMENTS.—

"(A) IN GENERAL.—The Interagency Steering Committee established under paragraph (3) shall, in consultation with the agencies participating in the ITDS, define the standard set of data elements to be collected, stored, and shared in the ITDS. The Steering Committee shall periodically review the data elements in order to update the data elements, as necessary.

"(B) HARMONIZATION.—The Interagency Steering Committee shall ensure that the ITDS data requirements are compatible with the commitments or obligations established by the World Customs Organization (WCO) and the World Trade Organization (WTO) for the entry of cargo.

"(C) COORDINATION.—The Secretary of the Treasury shall be responsible for coordinating operation of the ITDS among the participating agencies and the office within the

United States Customs and Border Protection that is responsible for maintaining the ITDS.

"(3) STEERING COMMITTEE.—There is established an Interagency Steering Committee. The members of the committee shall include the Secretary of the Treasury (who shall serve as the chairperson of the committee), the Director of the Office of Management and Budget, and the head of each agency participating in the ITDS. The Steering Committee shall assist the Secretary of the Treasury in overseeing the implementation of, and participation in, the ITDS.

"(4) REPORT.—The Steering Committee shall submit a report annually to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Each report shall include information on—

"(A) the status of the ITDS implementation;

"(B) the extent of participation in the ITDS by Federal agencies;

"(C) the remaining barriers to any agency's participation;

"(D) the extent to which the ITDS is consistent with applicable standards established by

the World Customs Organization and the World Trade Organization;

"(E) recommendations for technological and other improvements to the ITDS; and

"(F) the status of the Bureau's development, implementation, and management of the Automated Commercial Environment.

"(e) TREASURY OVERSIGHT.—The Secretary of the Treasury shall ensure that no fewer than 5 full-time equivalents in the Office of Tax, Trade, and Tariff Policy are available—

"(1) to carry out oversight of the customs revenue functions delegated to the Secretary of Homeland Security pursuant to section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212); and

"(2) to carry out oversight of the International Trade Data System established under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2007, 2008, and 2009, $750,000 for salaries and expenses required to carry out subsection (e).".

TITLE XXXII—RAIL SECURITY

SEC. 3201. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2006".

SEC. 3202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, consisting of representatives of the Transportation Security Administration, the Department of Transportation, and other appropriate Federal agencies, which shall complete a vulnerability and risk assessment of freight and passenger rail transportation (including railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Secretary of Homeland Security will work with the entities describe in subsection (b) and make use of existing expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate Federal agencies;

(B) the identification and evaluation of critical assets and infrastructures;

(C) the identification of vulnerabilities and risks to those assets and infrastructures;

(D) the identification of vulnerabilities and risks that are specific to the transportation of hazardous materials by railroad;

(E) the identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-re-

lated risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required under subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads and State and local governments, for the Federal Government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders,

shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives. The report shall contain the assessment, prioritized recommendations, and plans required under subsection (a) and an estimate of the cost to implement such recommendations. The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—From the funds appropriated for fiscal year 2007, pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)),

$5,000,000 shall be made available to the Secretary of Homeland Security to carry out this section.

SEC. 3203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, may award grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, D.C.;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds provided to Amtrak under subsection (a) for projects contained in an Amtrak systemwide secu-

rity plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary of Homeland Security shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 3202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration to carry out this section—

(A) $63,500,000 for fiscal year 2007;

(B) $30,000,000 for fiscal year 2008; and

(C) $30,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, may award grants to Amtrak for fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, Baltimore, and Washington, D.C.

(b) FUNDING.—From the funds appropriated pursuant to section 3217(b), there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a)—

(1) $190,000,000 for each of the fiscal years 2007, 2008, and 2009 for the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers;

(2) $19,000,000 for each of the fiscal years 2007, 2008, and 2009 for the Baltimore & Potomac and Union tunnels, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades; and

(3) $13,333,000 for each of the fiscal years 2007, 2008, and 2009 for the Union Station tunnels in Washington, D.C., to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—From the funds appropriated for fiscal year 2007, pursuant to section 3217(b), $3,000,000 shall be made available to the Secretary of Transportation for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—

(1) INITIAL REVIEW.—Not later than 45 days after the date on which a plan required by paragraphs (1) and (2) of subsection (e) is submitted by Amtrak, the Secretary of Transportation shall complete a review of the plan and approve or disapprove the plan. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies.

(2) SUBMISSION OF MODIFIED PLAN.—Not later than 30 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary's review.

(3) REVIEW OF MODIFIED PLAN.—Not later than 15 days after receiving additional information on items previously included in the plan, and not later than 45 days after receiving items newly included in a modified plan, the Secretary shall—

(A) approve the modified plan; or

(B) if the Secretary finds the plan is still incomplete or deficient—

(i) submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on

Homeland Security of the House of Representatives that describes the portions of the plan the Secretary finds incomplete or deficient;

(ii) approve all other portions of the plan; and

(iii) obligate the funds associated with those other portions.

(4) AGREEMENT.—Not later than 15 days after the partial approval of a modified plan under paragraph (3), the Secretary shall execute an agreement with Amtrak that describes a process for resolving the remaining portions of the modified plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflect-

ing the extent of their use or planned use of the tunnels, if feasible.

SEC. 3205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of the Transportation Security Administration and other appropriate Federal agencies, may award grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges, research centers, and State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 3202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the international border between the United States and Mexico, the inter-

national border between the United States and Canada, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 3202, including infrastructure, facilities, and equipment upgrades.

(b) GRANTS TO AMTRAK.—The Secretary of Homeland Security, through the Secretary of Transportation, may award grants to Amtrak for the purposes described in subsection (a).

(c) ACCOUNTABILITY.—The Secretary of Homeland Security shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Secretary.

(d) ALLOCATION.—The Secretary of Homeland Security shall distribute the funds made available under this section based on risk and vulnerability as determined under section 3202. The Secretary shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall take into account passenger volume and whether a station is used by commuter rail passengers and intercity rail passengers.

(e) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (b) unless Amtrak meets the conditions set forth in section 3203(b).

(f) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless the Secretary of Homeland Security deter-

mines, based on the assessment required under section 3202, that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, a grant may not be awarded under this section—

(1) to Amtrak in an amount in excess of $45,000,000; or

(2) for the purposes described in paragraph (3) or (5) of subsection (a) in an amount in excess of $80,000,000.

(g) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $100,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(h) HIGH HAZARD MATERIALS DEFINED.—In this title, the term ''high hazard materials'' means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Sec-

retary of Homeland Security, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 3206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, in consultation with the Secretary of Transportation shall carry out a research and development program to improve freight and intercity passenger rail security. The program may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 3202.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program established under this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development

project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is sponsoring a research and development project in a similar area as of the date of the enactment of this Act; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—In carrying out the research and development program established under this section, the Secretary of Homeland Security—

(1) may award grants to the entities described in subsections (a) and (b) of section 3205; and

(2) shall adopt necessary procedures, including audits, to ensure that grant funds disbursed under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) FUNDING.—

(1) IN GENERAL.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $35,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal

years 2007, 2008, and 2009 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 3207. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may expend not more than 0.5 percent of the amounts made available for capital projects under this title—

(1) to enter into contracts for the review of proposed capital projects and related program management plans;

(2) to oversee construction of such projects; and

(3) to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(b) PROCEDURES FOR GRANT AWARD.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including—

(A) application and qualification procedures (including a requirement that the applicant have a security plan);

(B) a record of decision on applicant eligibility; and

(C) the execution of a grant agreement between the grant recipient and the Secretary.

(2) CONSISTENCY.—The procedures prescribed under this subsection shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. 3208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by inserting after section 24313 the following:

"§ 24314. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit a plan to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security that addresses the needs of the families of passengers involved in any rail passenger accident involv-

ing an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan submitted by Amtrak under subsection (a) shall include the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number not later than 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the

names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which—

"(A) the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control;

"(B) any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and

"(C) any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for not less than 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—From the funds appropriated for fiscal year 2007 pursuant to section 3217(b) of the Rail Se-

curity Act of 2006, $500,000 shall be made available to the Secretary of Transportation for the use of Amtrak to carry out this section. Amounts made available under this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by inserting after the item relating to section 24313 the following:

''24314. Plan to assist families of passengers involved in rail passenger accidents.''.

SEC. 3209. NORTHERN BORDER RAIL PASSENGER REPORT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration, the Secretary of Transportation, heads of other appropriate Federal agencies, and the National Railroad Passenger Corporation, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the

United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 3210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) PROGRAM ELEMENTS.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address—

(1) the determination of the seriousness of any occurrence;

(2) crew communication and coordination;

(3) appropriate responses to defend or protect oneself;

(4) use of protective devices;

(5) evacuation procedures;

(6) psychology of terrorists to cope with hijacker behavior and passenger responses;

(7) situational training exercises regarding various threat conditions; and

(8) any other subject the Secretary considers to be appropriate.

(c) RAILROAD CARRIER SECURITY TRAINING PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review.

(2) PROGRAM REVIEW.—Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(3) RAILROAD CARRIER RESPONSE.—A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments.

(d) TRAINING.—

(1) IMPLEMENTATION.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program.

(2) REPORT.—The Secretary shall review implementation of the training program of a representative sample of railroad carriers and submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that contains the num-

ber of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) UPDATES.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term ''front-line workers'' means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b), as appropriate.

SEC. 3211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail carrier engaged in interstate or foreign commerce may not discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security;

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—

"(1) IN GENERAL.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established

under section 3 of such Act to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed.

"(2) DAMAGES.—If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B), including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a rail-

road carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"20116. Whistleblower protection for rail security matters.".

SEC. 3212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of the Transportation Security Administration and the Secretary of Transportation, shall require rail carriers transporting a high hazard material and of a quantity equal or exceeding the quantities of such material listed in section 172.800, title 49, Code of Federal Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security

information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier described in subsection (a) shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security not later than 60 days after the date of the enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary not later than 180 days after the rail

carrier receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary not later than 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall review each plan developed under this section and submit comments to the railroad carrier concerning any revisions that the Secretary considers to be necessary. A railroad carrier shall respond to the Secretary's comments not later than 30 days after receiving such comments. Each rail carrier shall update and resubmit its plan for review not less than once every 2 years.

(d) DEFINITIONS.—In this section:

(1) HIGH-CONSEQUENCE TARGET.—The term ''high-consequence target'' means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) CATASTROPHIC IMPACT ZONE.—The term ''catastrophic impact zone'' means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) RAIL CARRIER.—The term ''rail carrier'' has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 3213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the Department of Transportation and the Department of Homeland Security signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the each department in addressing railroad transportation security matters, including the processes

each department will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking ''safety'' the first place it appears, and inserting ''safety, including security,''.

SEC. 3214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting ''(A) IN GENERAL'' before ''Under''; and

(2) by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

(b) REVIEW OF RAIL REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of the Transportation Security Administration, shall review the rail regulations of the Department of Transportation in existence as of the date of the enactment of this Act to identify areas in which such regulations need to be revised to improve rail security.

SEC. 3215. PUBLIC AWARENESS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Home-

land Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness.

(b) CONTENTS.—The plan developed under this section shall—

(1) be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security; and

(2) provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security.

(c) IMPLEMENTATION.—Not later than 9 months after the date of the enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 3216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section 3206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation

with the Assistant Secretary of the Transportation Security Administration, shall develop a program that will encourage the equipping of rail cars transporting high hazard materials in quantities equal to or greater than the quantities listed in section 172.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—From the funds appropriated pursuant to section 114(u) of title 49, United States Code (as added by section 3217(a)), $3,000,000 shall be made available to the Secretary of Homeland Security for each of the fiscal years 2007, 2008, and 2009 to carry out this section.

SEC. 3217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for rail security—

''(1) $206,500,000 for fiscal year 2007;

''(2) $168,000,000 for fiscal year 2008; and

''(3) $168,000,000 for fiscal year 2009.''.

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20116 and 24314 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE XXXIII—MASS TRANSIT SECURITY

SEC. 3301. SHORT TITLE.

This title may be cited as the ''Public Transportation Terrorism Prevention Act of 2006''.

SEC. 3302. FINDINGS.

Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. 3303. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation secu-

rity assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2007, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section 3304, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2007, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section 3304.

(5) UPDATES.—Not later than July 31, 2008, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2007, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. 3304. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section 3303(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national

and international public events, consistent with the priorities established under section 3303(a)(4); and

(F) other appropriate security improvements identified under section 3303(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee

used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3305. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'') established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. 3306. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public

transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. 3307. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections 3303 through 3306;

(B) the amount of funds appropriated to carry out the provisions of each of sections 3303 through 3306 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000

for fiscal year 2007 to carry out the provisions of section 3304(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section 3304(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 3305.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section 3306, which shall remain available until expended.

SEC. 3309. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2010.

TITLE XXXIV—AVIATION SECURITY

SEC. 3401. INAPPLICABILITY OF LIMITATION ON EMPLOYMENT OF PERSONNEL WITHIN TRANSPORTATION SECURITY ADMINISTRATION TO ACHIEVE AVIATION SECURITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the conditions set forth in subsection (b) are met, the Secretary of Homeland Security is not required to—

(1) comply with any statutory limitation on the number of employees in the Transportation Security Administration (referred to in this section as the ''TSA''), whether before or after the transfer of the TSA from the Department of Transportation to the Department of Homeland Security; or

(2) comply with any administrative rule or regulation imposing a limitation on the recruitment or employment of personnel in the TSA to a maximum number of permanent positions.

(b) CONDITIONS.—The conditions set forth in this subsection are met if the enforcement or compliance with a limitation, rule, or regulation described in subsection (a) would prevent the Secretary of Homeland Security from

recruiting and employing in the TSA such personnel as may be necessary—

(1) to provide the highest levels of aviation security; and

(2) to accomplish the objective specified in paragraph (1) in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to less than 10 minutes.

SEC. 3402. AVIATION RESEARCH AND DEVELOPMENT FOR EXPLOSIVE DETECTION.

(a) ADVANCED EXPLOSIVES DETECTION SYSTEMS.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of the Transportation Security Administration, and in consultation with the Secretary of Transportation, shall, in carrying out research and development on the detection of explosive materials at airport security checkpoints, focus on the detection of explosive materials, including liquid explosives, in a manner that—

(1) improves the ability of airport security technologies to determine which items could—

(A) threaten safety;

(B) be used as an explosive; or

(C) assembled into an explosive device; and

(2) results in the development of an advanced screening technology that incorporates existing technologies into a single screening system.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $200,000,000 for fiscal year 2008; and

(B) $250,000,000 for fiscal year 2009.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 3403. AVIATION REPAIR STATION SECURITY.

(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—Beginning on the date that is 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, unless the Under Secretary for Border and Transportation Security has issued final regulations, pursuant to section 44924(f) of title 49, United States Code, to ensure the security of foreign and domestic aircraft repair stations.

(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Section 44924 of title 49, United States

Code, is amended by striking ''18 months'' each place it appears and inserting ''6 months''.

DIVISION E—A NEW DIRECTION IN IRAQ

TITLE XLI—UNITED STATES POLICY ON IRAQ

SEC. 4001. UNITED STATES POLICY ON IRAQ.

(a) SHORT TITLE.—This section may be cited as the ''United States Policy on Iraq Act of 2006''.

(b) FINDINGS.—Congress makes the following findings:

(1) Global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the national security of the United States and are recruiting, planning, and developing capabilities to attack the United States and its allies throughout the world.

(2) Winning the fight against terrorist networks requires an integrated, comprehensive effort that uses all facets of power of the United States and the members of the international community who value democracy, freedom, and the rule of law.

(3) The United States Armed Forces, particularly the Army and Marine Corps, are stretched

thin, and many soldiers and Marines have experienced three or more deployments to combat zones.

(4) Sectarian violence has surpassed the insurgency and terrorism as the main security threat in Iraq, increasing the prospects of a broader civil war which could draw in Iraq's neighbors.

(5) United States and coalition forces have trained and equipped more than 129,000 Iraqi soldiers, sailors, and airmen, and more than 165,000 Iraqi police, highway patrol, and other Ministry of Interior forces.

(6) Of the 106 operational Iraqi Army combat battalions, 85 are either in the lead or operating independently, according to the August 2006 report of the Administration to Congress entitled ''Measuring Stability and Security in Iraq'';

(7) Congress expressed its sense in the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3466) that ''calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq''.

(8) Iraq's security forces are heavily infiltrated by sectarian militia, which has greatly increased sectarian tensions and impeded the development of effective security services loyal to the Iraq Government.

(9) With the approval by the Iraqi Council of Representatives of the ministers of defense, national security, and the interior on June 7, 2006, the entire cabinet of Prime Minister Maliki is now in place.

(10) Pursuant to the Iraq Constitution, the Council of Representatives is to appoint a Panel which will have 4 months to recommend changes to the Iraq Constitution.

(11) Despite pledges of more than $8,000,000,000 in assistance for Iraq by foreign governments other than the United States at the Madrid International Donors' Conference in October 2003, only $3,500,000,000 of such assistance has been forthcoming.

(12) The current open-ended commitment of United States forces in Iraq is unsustainable and a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.

(c) SENSE OF CONGRESS.—It is the sense of Congress that in order to change course from an open-ended commitment and to promote the assumption of security responsibilities by the Iraqis, thus advancing the chances for success in Iraq—

(1) the following actions need to be taken to help achieve the broad-based and sustainable political settlement so essential for defeating the insurgency and preventing all-out civil war—

(A) there must be a fair sharing of political power and economic resources among all the Iraqi groups so as to invest them in the formation of an Iraqi nation by either amendments to the Iraq Constitution or by legislation or other means, within the timeframe provided for in the Iraq Constitution;

(B) the President should convene an international conference so as to more actively involve the international community and Iraq's neighbors, promote a durable political settlement among Iraqis, reduce regional interference in Iraq's internal affairs, encourage more countries to contribute to Iraq's extensive needs, and ensure that pledged funds are forthcoming;

(C) the Iraq Government should promptly and decisively disarm the militias and remove those members of the Iraqi security forces whose loyalty to the Iraq Government is in doubt; and

(D) the President should—

(i) expedite the transition of United States forces in Iraq to a limited presence and mission of training Iraqi security forces, providing logistic support of Iraqi security forces, protecting United States infrastructure and personnel, and participating in targeted counterterrorism activities;

(ii) after consultation with the Government of Iraq, begin the phased redeployment of United States forces from Iraq this year; and

(iii) submit to Congress a plan by the end of 2006 with estimated dates for the continued phased redeployment of United States forces from Iraq, with the understanding that unexpected contingencies may arise;

(2) during and after the phased redeployment of United States forces from Iraq, the United States will need to sustain a nonmilitary effort to actively support reconstruction, governance, and a durable political solution in Iraq; and

(3) the President should carefully assess the impact that ongoing United States military operations in Iraq are having on the capability of the United States Government to conduct an effective counterterrorism campaign to defeat the broader global terrorist networks that threaten the United States.

SEC. 4002. SENSE OF SENATE ON NEED FOR A NEW DIRECTION IN IRAQ POLICY AND IN THE CIVILIAN LEADERSHIP OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Armed Forces of the United States have served honorably and courageously in Iraq, with more than 2,600 brave Americans having made the ultimate sacrifice and more than 20,000 wounded.

(2) The current ''stay the course'' policy in Iraq has made America less secure, reduced the readiness

of our troops, and burdened America's taxpayers with more than $300,000,000,000 in additional debt.

(3) With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) our troops deserve, and the American people expect, the George W. Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq; and

(2) President George W. Bush needs to change course in Iraq to provide a strategy for success, and one indication of such a change of course would be to replace the current Secretary of Defense.

TITLE XLII—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 4101. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 4102. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

SEC. 4103. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or non-competitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Com-

mittee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 4104. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later

than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members

of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 4105. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this subtitle, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 4106. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order

requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 4107. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 4103 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 4103.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 4108. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and

shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 4109. TERMINATION.

The Special Committee shall terminate on July 1, 2008.

SEC. 4110. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

Calendar No. 598

109TH CONGRESS
2D SESSION

S. 3875

A BILL

To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

SEPTEMBER 8, 2006

Read the second time and placed on the calendar