S. 2408

To require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2006

Mr. Santorum introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

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

3 SECTION 1. RELEASE OF DOCUMENTS CAPTURED IN IRAQ

4 AND AFGHANISTAN.

5 (a) IN GENERAL.—The Director of National Intelli-
6 gence shall make publicly available on an Internet
7 website all captured documents.
(b) Review by Director of National Intelligence.—The Director of National Intelligence may review a captured document before making such document publicly available under subsection (a). The Director shall not be required to make a captured document publicly available under subsection (a) if—

(1) in the case of a captured document that is reviewed by the Director before the date of the enactment of this Act, the Director submits to the relevant congressional committees a description of the criteria the Director used to determine it is not appropriate to make a captured document publicly available and such captured document meets such criteria; or

(2) in the case of a captured document that is reviewed by the Director on or after the date of the enactment of this Act, the Director submits to the relevant congressional committees a description of the criteria the Director shall use to determine if it is not appropriate to make a captured document publicly available and the captured document meets such criteria.

(e) Submission of Description of Non-Released Documents.—
(1) Review before date of enactment.—
Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the relevant congressional committees a report containing—

(A) a description of each captured document that, before such date, the Director determined should not be made publicly available; and

(B) an explanation as to why the Director does not consider it appropriate to make such captured document publicly available.

(2) Review after date of enactment.—
Not later than 30 days after the Director of National Intelligence determines that a captured document should not be made publicly available pursuant to subsection (b)(2), the Director shall submit to the relevant congressional committees a report containing a description of such captured document and an explanation as to why the Director does not consider it appropriate to make such document publicly available.

(3) Request for document.—The Director of National Intelligence shall make a copy of each captured document available to the relevant congres-
sional committees for review upon request of the
Chairman of any of such relevant congressional com-
mittees. The Director shall make such copy available
in either classified or unclassified form.

(d) PUBLICATION OR REVIEW DATE.—

(1) IN GENERAL.—The Director of National In-
telligence shall begin making captured documents
publicly available pursuant to subsection (a) not
later than 30 days after the date of the enactment
of this Act.

(2) DOCUMENTS COLLECTED PRIOR TO DATE
OF ENACTMENT.—

(A) IN GENERAL.—Not later than the date
described in subparagraph (B), for each cap-
tured document captured or collected before the
date of the enactment of this Act, the Director
of National Intelligence shall make such cap-
tured document publicly available pursuant to
subsection (a) or shall submit to the relevant
congressional committees a report regarding
such captured document pursuant to subsection
(c).

(B) DATES.—The date described in this
subparagraph is—
(i) September 30, 2006, for captured documents captured or collected during Operation Enduring Freedom and Operation Iraqi Freedom; and

(ii) March 31, 2007, for captured documents captured or collected during Operation Desert Storm.

(3) DOCUMENTS COLLECTED AFTER DATE OF ENACTMENT.—For each captured document that is captured or collected on or after the date of the enactment of this Act, not later than 60 days after the date on which such captured document is captured or collected, the Director of National Intelligence shall make such captured document publicly available pursuant to subsection (a) or shall submit to the relevant congressional committees a report regarding such captured document pursuant to subsection (c).

(e) WEEKLY REPORT.—Not later than 7 days after the date of enactment of this Act, and weekly thereafter until each captured document captured or collected before the date of the enactment of this Act is made publicly available pursuant to subsection (a) or described in a report submitted pursuant to subsection (c), the Director of National Intelligence shall submit to the relevant con-
gressional committees a report describing the progress in making captured documents publicly available.

(f) DEFINITIONS.—In this section:

(1) CAPTURED DOCUMENT.—The term “captured document” means a document captured or collected in Afghanistan or Iraq, including a document collected from the Government of Iraq or from a private person and including a document in electronic form, during Operation Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom.

(2) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means the Permanent Select Committee on Intelligence of the House of Representatives and Select Committee on Intelligence of the Senate.