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2d Session }

HOUSE OF REPRESENTATIVES

{ REPT. 108-724  
{ Part 2

TO PROVIDE FOR REFORM OF THE INTELLIGENCE COMMUNITY,  
TERRORISM PREVENTION AND PROSECUTION, BORDER SECURITY,  
AND INTERNATIONAL COOPERATION AND COORDINATION,  
AND FOR OTHER PURPOSES

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REPORT

OF THE

COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ON

H.R. 10

together with

ADDITIONAL VIEWS

[Including cost estimate of the Congressional Budget Office]



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9/11 RECOMMENDATIONS IMPLEMENTATION ACT

—————  
OCTOBER 4, 2004.—Ordered to be printed  
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Mr. HUNTER, from the Committee on Armed Services,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 10]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 33, after line 10, insert the following new subparagraph:

“(H) The Associate National Intelligence Director for Science and Technology.

Page 33, line 11, strike “(H)” and insert “(I)”, line 12, strike “(I)” and insert “(J)”, and line 14, strike “(J)” and insert “(K).

Page 37, after line 9, insert the following new subsection:

“(i) ASSOCIATE NATIONAL INTELLIGENCE DIRECTOR FOR SCIENCE AND TECHNOLOGY.—(1) There is an Associate National Intelligence Director for Science and Technology who shall be appointed by the National Intelligence Director.

“(2) The Associate National Intelligence Director for Science and Technology shall—

“(A) advise the National Intelligence Director regarding research and development efforts and priorities in support of the intelligence mission, to ensure that the science and technology needs of the National Intelligence Program will be met;

“(B) develop in consultation with appropriate agencies and the Associate National Intelligence Directors for Military Support, Domestic Security, and Diplomatic Affairs a strategic plan to support United States leadership in science and technology to facilitate intelligence missions; and

“(C) perform such other duties and exercise such powers as the National Intelligence Director may prescribe.

Page 37, line 10, strike “(i)” and insert “(j)”.

Page 39, line 9, strike “(j)” and insert “(k)”.

Page 41, line 13, strike “(k)” and insert “(l)”.

Page 42, line 1, strike “(l)” and insert “(m)”.

Page 44, after line 20, insert the following new subsection:

“(n) COUNTERINTELLIGENCE OFFICER TO THE NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a Counterintelligence Officer to the National Intelligence Director who shall be appointed by the National Intelligence Director.

“(2) The mission of the Counterintelligence Officer to the National Intelligence Director is to assist the National Intelligence Director in reducing the threats of disclosure or loss of classified or sensitive information or penetration of national intelligence functions that may be potentiated by increased information sharing, enterprise architectures, or other activities under this Act.

“(3) The Counterintelligence Officer to the National Intelligence Director shall—

“(A) assist the Deputy National Intelligence Director for Community Management and Resources in developing and implementing counterintelligence policies for the functions of the Office of the National Intelligence Director, in consultation with the Associate National Intelligence Directors;

“(B) ensure that policies under subparagraph (A) and the implementation of those policies are coordinated with counterintelligence activities of appropriate agencies and elements of the National Intelligence Program, and with the activities of the Intelligence Community Information Officer;

“(C) review resource requirements to support the mission of the Counterintelligence Officer under this subsection and make recommendations to the Deputy National Intelligence Director for Community Management and Resources with respect to those requirements; and

“(D) perform such other duties as the National Intelligence Director shall prescribe.

Page 52, line 6, after the period insert the following new sentence: “In the case in which the National Intelligence Director does not concur in such a recommendation, the Director and the head

of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.”.

At the end of subtitle F of title I (page 93, after line 21), insert the following new sections (and conform the table of contents in section 2 accordingly):

**SEC. 1063. SERVICE AND NATIONAL LABORATORIES AND THE INTELLIGENCE COMMUNITY.**

The National Intelligence Director, in cooperation with the Secretary of Defense and the Secretary of Energy, should seek to ensure that each service laboratory of the Department of Defense and each national laboratory of the Department of Energy may, acting through the relevant Secretary and in a manner consistent with the missions and commitments of the laboratory—

(1) assist the National Intelligence Director in all aspects of technical intelligence, including research, applied sciences, analysis, technology evaluation and assessment, and any other aspect that the relevant Secretary considers appropriate; and

(2) make available to the intelligence community, on a community-wide basis—

(A) the analysis and production services of the service and national laboratories, in a manner that maximizes the capacity and services of such laboratories; and

(B) the facilities and human resources of the service and national laboratories, in a manner that improves the technological capabilities of the intelligence community.

**SEC. 1064. IMPROVEMENT IN TRANSLATION AND DELIVERY OF SUSPECTED TERRORIST COMMUNICATIONS.**

(a) REQUIREMENT FOR PROMPT TRANSLATION AND TRANSMISSION.—The National Intelligence Director shall develop and transmit to the appropriate agencies guidelines to ensure that all suspected terrorist communications, including transmissions, are translated and delivered in a manner consistent with timelines contained in regulations of the Federal Bureau of Investigations to the extent practicable.

(b) PREVENTION OF DELETION OF TERRORIST COMMUNICATIONS.—The National Intelligence Director shall take such steps as are necessary to ensure that terrorist communications are not deleted or discarded before those communications are translated.

At the end of title I (page 116, after line 19), insert the following (and conform the table of contents in section 2 accordingly):

## **Subtitle I—Other Matters**

**SEC. 1101. STUDY OF PROMOTION AND PROFESSIONAL MILITARY EDUCATION SCHOOL SELECTION RATES FOR MILITARY INTELLIGENCE OFFICERS.**

(a) STUDY.—The Secretary of Defense shall conduct a study of the promotion selection rates, and the selection rates for attendance at professional military education schools, of intelligence offi-

cers of the Armed Forces, particularly in comparison to the rates for other officers of the same Armed Force who are in the same grade and competitive category.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing the Secretary's findings resulting from the study under subsection (a) and the Secretary's recommendations (if any) for such changes in law as the Secretary considers needed to ensure that intelligence officers, as a group, are selected for promotion, and for attendance at professional military education schools, at rates not less than the rates for all line (or the equivalent) officers of the same Armed Force (both in the zone and below the zone) in the same grade. The report shall be submitted not later than April 1, 2005.

#### PURPOSE AND BACKGROUND

The purpose of H.R. 10 is to amend the National Security Act of 1947, which contains the authorities and responsibilities of the Secretary of Defense and the Director of Central Intelligence (DCI) and to address the central findings of the National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission.

On July 22, 2004, the commission released its final report concerning the terrorist attacks of September 11, 2001. The report highlights policies and procedures across the federal government that need improvement and recommends a range of general and specific solutions to those problems. These recommendations affect several executive departments, including the Department of Defense and many recommendations would require action by Congress to be implemented.

The President signed several executive orders on August 27, 2004, implementing the commission's recommendations, in part. In addition, the administration recommended that the Congress adopt several changes to the National Security Act of 1947, and submitted suggested legislative language on September 16, 2004.

The committee's consideration of H.R. 10 was limited to title I, the National Security Intelligence Improvement Act of 2004, which addresses the core issues of the commission's report concerning the organization of the intelligence community.

The Department operates the majority of the nation's national intelligence apparatus through the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency. These agencies support the intelligence requirements of both the DCI and the Secretary under a well established partnership arrangement. That partnership works effectively today and was effective before September 11, 2001, according to testimony before the committee by the vice chairman of the commission.

The reason for this complicated arrangement is that our nation's intelligence assets are a unique and valuable instrument of national security policy that must serve multiple purposes. We do not have two separate intelligence systems. Today, the same national capability and the same satellites that inform the President and senior policymakers are also used by front line military forces to carry out their mission. The use of expensive, complex systems for

multiple purposes is both efficient and synergistic to effective intelligence analysis.

This integration of national and tactical intelligence and the sharing of this information to users up and down the command chain is exactly what the committee has been encouraging for well over a decade, to leverage this strategic capability for maximum effect. Therefore, the suggestion that national and tactical intelligence operations and assets can be surgically split into separate organizations and budgets fails to account for the negative impact such a step would have on how we operate and perform on today's modern battlefield. Consequently, the budget authorities that the newly created National Intelligence Director (NID) would have under H.R. 10 were carefully crafted to preserve the ability of the Secretary to rely on these agencies to supply critical military intelligence to combatant commanders, yet enable the NID to effectively perform his national intelligence mission.

The system works today because of the delicately balanced partnership that exists between the DCI and the Secretary. Thus, as this bill moves toward a new organizational concept that creates a National Intelligence Director to manage the community, the committee must ensure that this critical partnership is maintained to ensure that in the rush to reform, those parts of the intelligence system that work well and are critical to our men and women in uniform are not broken.

#### LEGISLATIVE HISTORY

As noted above, H.R. 10 was introduced on September 24, 2004, and referred to the Permanent Select Committee on Intelligence, and in addition to the Committees on Armed Services, Education and the Workforce, Energy and Commerce, Financial Services, Government Reform, International Relations, the Judiciary, Rules, Science, Transportation and Infrastructure, Ways and Means, and Select Homeland Security. On September 29, 2004, the Permanent Select Committee on Intelligence reported favorably the bill, as amended, by a record vote of 17 ayes to 2 noes, and the Committee on Financial Services on September 29, 2004, reported favorably the bill, as amended, by voice vote. The bill, as amended, was reported favorably by the Committee on Government Reform on September 29, 2004, by voice vote, and by the Committee on the Judiciary on September 29, 2004, by a record vote of 19 ayes to 12 noes.

On September 29, 2004, the Committee on Armed Services held a mark-up session to consider H.R. 10. The committee reported favorably the bill, as amended, by a record vote of 59 ayes to 0 noes, a quorum being present.

#### HEARINGS

Committee consideration of the matter contained in the National Security Intelligence Improvement Act of 2004, title I of this Act, results from four full committee hearings conducted on August 10 and 11, 2004.

#### SECTION-BY-SECTION ANALYSIS

The following is a section-by-section analysis of those sections of H.R. 10 as amended by the Armed Services Committee.

## TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

### LEGISLATIVE PROVISIONS

#### Section 1001—Short Title

This section would establish the short title of title I of this Act as the “National Security Intelligence Improvement Act of 2004.”

#### SUBTITLE A—ESTABLISHMENT OF NATIONAL INTELLIGENCE DIRECTOR

#### Section 1011—Reorganization and Improvement of Management of Intelligence Community

This section would amend sections 102 through 104 of title 50, United States Code, the “National Security Act of 1947.” It would establish a National Intelligence Director (NID) to head the United States intelligence community. The NID would act as the principal advisor to the President, the National Security Council, and the Homeland Security Council for foreign and domestic intelligence matters relating to national security. Contrary to prior law, the NID would be prohibited from concurrent service as the Director of the Central Intelligence Agency. The NID would manage, oversee and direct the execution of the National Intelligence Program (NIP). The NID would provide national intelligence to the President, heads of departments and agencies of the executive branch, the Chairman of the Joint Chiefs of Staff and senior military commanders, and the Senate and House of Representatives, as appropriate.

This section would also enhance the NID’s authority to execute the annual intelligence budget. The NID would work through the heads of the departments in the intelligence community. This section would also provide the NID with authority to transfer funds out of any department or agency within the NIP in a single fiscal year if the amount is less than \$100.0 million and that is less than five percent of the amounts available to a department or agency under the NIP. A transfer would not be allowed if the result would be to terminate a program.

#### Section 1012—Revised Definition of National Intelligence

This section would clarify the terms “national intelligence” and “intelligence related to national security” as referring to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States that pertains to more than one United States Government agency and that involves threats to the United States, its people, property, or interests, the development, proliferation, or use of weapons of mass destruction or any other matter bearing on United States national or homeland security.

Section 1013—Joint Procedures for Operational Coordination  
Between Department of Defense and Central Intelligence Agency

This section would require development of joint procedures to improve the coordination and deconfliction of operations that involve both the Armed Forces and the Central Intelligence Agency. This section would require a report to the congressional defense committees and the congressional intelligence committees describing the procedures established not less than 180 days after the date of enactment of this Act.

Section 1014—Role of National Intelligence Director in Appointment of Certain Officials Responsible for Intelligence-related Activities

This section would require the Secretary of Defense to obtain concurrence of the National Intelligence Director (NID) before appointing, or recommending to the President, an individual to fill the positions of Director of the National Security Agency, the Director of the National Reconnaissance Office or the Director of the National Geospatial-Intelligence Agency. If the NID does not concur with the recommendation, the Secretary may not fill the vacancy or make the recommendation to the President. If the NID does not concur with such a recommendation, the NID and the Secretary may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

Section 1015—Initial Appointment of the National Intelligence Director

This section would give the President discretion to appoint the current Director of Central Intelligence (DCI) as the National Intelligence Director (NID) upon the date of the enactment of the Act. Any reference to the DCI, in the capacity as the head of the intelligence community, would be deemed to be a reference to the NID. Also, any reference to the DCI, in the capacity as the head of the Central Intelligence Agency, would be deemed to be a reference to the DCI.

Section 1016—Executive Schedule Matters

This section would amend sections 5312, 5313 and 5315 of title 5, United States Code, to reflect the creation of the National Intelligence Director, Deputy National Intelligence Director and Director of the National Counterterrorism Center.

SUBTITLE B—NATIONAL COUNTERTERRORISM CENTER AND CIVIL  
LIBERTIES PROTECTIONS

Section 1021—National Counterterrorism Center

This section would establish the National Counterterrorism Center (NCTC) within the Office of the National Intelligence Director. This section would define the mission of the NCTC as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to terrorism, except intelligence pertaining exclusively to domestic counterterrorism, for conducting strategic oper-

ational planning, for supporting operational responsibilities assigned to lead agencies for counterterrorism by ensuring access to intelligence, and for ensuring appropriate access to all-source intelligence support needed to execute counterterrorism plans. This section would also explicitly define the duties and responsibilities of the Director of the NCTC.

#### Section 1022—Civil Liberties Protection Officer

This section would establish a Civil Liberties Protection Officer within the Office of the National Intelligence Director (NID). This officer would ensure that the protection of civil liberties and privacy be appropriately incorporated by the Office of the NID, oversee compliance by the Office of the NID, review and assess complaints, ensure that the use of technologies does not erode privacy protections, ensure personal information is handled in compliance with section 552a of title 5, United States Code, and conduct privacy impact assessments.

#### SUBTITLE C—JOINT INTELLIGENCE COMMUNITY COUNCIL

##### Section 1031—Joint Intelligence Community Council

This section would establish a Joint Intelligence Community Council (JICC) to advise the National Intelligence Director (NID), as appropriate. The JICC would consist of the NID as chair, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Energy, the Secretary of Homeland Security, and other officials designated by the President.

#### SUBTITLE D—IMPROVEMENT OF HUMAN INTELLIGENCE (HUMINT)

##### Section 1041—Human Intelligence as an Increasingly Critical Component of the Intelligence Community

This section would express the sense of Congress regarding the increasing importance of human intelligence as a critical component of the intelligence community.

##### Section 1042—Improvement of Human Intelligence Capacity

This section would require the National Intelligence Director to submit to Congress, not later than six months after the date of enactment of this Act, a report on existing human intelligence (HUMINT) capacity across the intelligence community.

#### SUBTITLE E—IMPROVEMENT OF EDUCATION FOR THE INTELLIGENCE COMMUNITY

##### Section 1051—Modification of Obligated Service Requirements Under National Security Education Program

This section would modify obligations of recipients of a scholarship or fellowship under the National Security Education program by requiring that the recipients commence work in a specified national security position within two years of completion of study. This section would also allow recipients to accept positions in the Department of State or in the Department of Homeland Security

if positions are not available within the Department of Defense or in any element of the intelligence community.

Section 1052—Improvements to the National Flagship Language Initiative

This section would authorize \$12.0 million for fiscal year 2005, and each fiscal year thereafter for the National Flagship Language Initiative. This section would also require a recipient to reimburse the United States if employment is terminated due to misconduct by the employee or by the employee voluntarily. This section would also increase the number of educational institutions that could receive grants under this program.

Section 1053—Establishment of Scholarship Program for English Language Studies for Heritage Community Citizens of the United States Within the National Security Education Program

This section would establish a scholarship program for United States citizens who are native speakers of a foreign language identified as critical to the national security interests of the United States and who are not proficient at a professional level in the English language. This section would also authorize \$4.0 million for fiscal year 2005, and each fiscal year thereafter to provide scholarships under this program.

Section 1054—Sense of Congress With Respect to Language and Education for the Intelligence Community; Reports

This section would express the sense of Congress that there should be a senior official within the Office of the National Intelligence Director (NID) responsible for assisting the NID in establishing policies and procedures for foreign language education and training of the intelligence community. The official would oversee and coordinate requirements for foreign language education, establish policy, standards and priorities relating to such requirements, identify languages that are critical to the capabilities of the intelligence community, and monitor the allocation of resources for foreign language education. This section would also require reports that identify the skills and processes involved in learning a foreign language; and characteristics and teaching techniques that are most effective in teaching foreign languages.

Section 1055—Advancement of Foreign Languages Critical to the Intelligence Community

This section would authorize the Secretary of Defense and National Intelligence Director (NID) to jointly establish a program to advance foreign language skills in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States. This section would also allow education partnership agreements with United States education institutions in order to encourage the study of foreign languages critical to the capability of the intelligence community. Further, this section would allow the NID to assign military and civilian analysts as students in foreign language training programs.

Section 1056—Pilot Project for Civilian Linguist Reserve Corps

This section would require the National Intelligence Director to conduct a three-year pilot project to establish a Civilian Linguist Reserve Corps, comprised of United States citizens with advanced levels of proficiency in foreign languages, in the federal government. This section would authorize such sums as necessary to carry out the pilot project in fiscal years 2005, 2006 and 2007.

Section 1057—Codification of Establishment of the National Virtual Translation Center

This section would establish a National Virtual Translation Center under the direction of the National Intelligence Director. The purpose of this center would be to provide for timely and accurate translations of foreign intelligence for all other elements of the intelligence community.

Section 1058—Report on Recruitment and Retention of Qualified Instructors of the Defense Language Institute

This section would require the Secretary of Defense to conduct a study on methods to improve the recruitment and retention of qualified foreign language instructors at the Defense Language Institute's Foreign Language Center.

SUBTITLE F—ADDITIONAL IMPROVEMENTS OF INTELLIGENCE ACTIVITIES

Section 1061—Permanent Extension of Central Intelligence Agency Voluntary Separation Incentive Program

This section would make permanent the Central Intelligence Agency Voluntary Separation Pay incentive program.

Section 1062—National Security Agency Emerging Technologies Panel

This section would establish the National Security Agency Emerging Technologies Panel as a standing panel of the National Security Agency (NSA). The panel would study, assess and advise the Director of the NSA on the research, development and application of existing and emerging science and technology advances.

Section 1063—Service and National Laboratories and the Intelligence Community

This section would allow each national laboratory of the Department of Energy to assist the National Intelligence Director through technical support to the intelligence community.

Section 1064—Improvement in Translation and Delivery of Suspected Terrorist Communications

This section would require the National Intelligence Director (NID) to develop and transmit to appropriate agencies guidelines to ensure that all suspected terrorist communications are translated, to the extent practicable, in a manner consistent with timelines contained in regulations of the Federal Bureau of Investigations.

This section would also require the NID to take necessary steps to ensure that terrorist communications are not deleted or discarded before those communications are translated.

#### SUBTITLE G—CONFORMING AND OTHER AMENDMENTS

##### Section 1071—Conforming Amendments Relating to Roles of National Intelligence Director and Director of the Central Intelligence Agency

This section would strike “Director of Central Intelligence” in specified sections of the United States Code and insert “National Intelligence Director.”

##### Section 1072—Other Conforming Amendments

This section would make other conforming amendments.

##### Section 1073—Elements of Intelligence Community Under National Security Act of 1947

This section would amend section 401 of title 50, United States Code, to include the National Intelligence Director in the definition of “intelligence community.”

##### Section 1074—Redesignation of National Foreign Intelligence Program as National Intelligence Program

This section would redesignate the “National Foreign Intelligence Program” as the “National Intelligence Program.”

##### Section 1075—Repeal of Superseded Authorities

This section would repeal superseded authorities.

##### Section 1076—Clerical Amendments to National Security Act of 1947

This section would make technical and clerical amendments.

##### Section 1077—Conforming Amendments Relating to Prohibiting Dual Service of the Director of the Central Intelligence Agency

This section would make a conforming amendment to section 403a of title 50, United States Code.

##### Section 1078—Access to Inspector General Protections

This section would amend section 403q(a)(1) of title 50, United States Code, to include “programs and operations of the Office of the National Intelligence Director.”

##### Section 1079—General References

This section would clarify general references to the Director of Central Intelligence and the National Intelligence Director. Any reference to the Director of Central Intelligence in his or her capacity as the head of the intelligence community would be deemed to be a reference to the National Intelligence Director. Any reference to the Director of Central Intelligence in his or her capacity as the head of the Central Intelligence Agency would be deemed to be a

reference to the Director of the Central Intelligence Agency. Any reference to the Community Management staff would be deemed a reference to the staff of the Office of the National Intelligence Director.

#### Section 1080—Application of Other Laws

This section would amend sections 7323(b)(2)B(i) and 7342(f)(4) of title 5, United States Code relating to political service of personnel and information about foreign gifts. This section would also amend section 105(a)(1) of title 5, United States Code App., by inserting “the Office of the National Intelligence Director”.

#### SUBTITLE H—TRANSFER, TERMINATION, TRANSITION AND OTHER PROVISIONS

##### Section 1091—Transfer of Community Management Staff

This section would transfer the Community Management Staff to the Office of the National Intelligence Director.

##### Section 1092—Transfer of Terrorist Threat Integration Center

This section would transfer all functions and activities of the Terrorist Threat Integration Center (TTIC) to the National Counterterrorism Center. The Director of the TTIC would administer the National Counterterrorism Center after the date of enactment of this Act.

##### Section 1093—Termination of Positions of Assistant Directors of Central Intelligence

This section would abolish, within the Central Intelligence Agency, the positions of the Assistant Director of Central Intelligence for Collection, the Assistant Director of Central Intelligence for Analysis and Production, and the Assistant Director of Central Intelligence for Administration.

##### Section 1094—Implementation Plan

This section would direct the President to transmit to Congress a plan for the implementation of this title and the amendments made by this title, including:

- (1) The transfer of personnel, assets and obligations to the National Intelligence Director (NID);
- (2) Any consolidation, reorganization, or streamlining of activities transferred to the NID;
- (3) The establishment of offices within the Office of the NID to implement the duties of the NID;
- (4) Specification of any proposed disposition of property, facilities, contracts, records and others assets transferred to the NID; and
- (5) Recommendations for additional legislative or administrative action.

This section would also express the sense of Congress that the Office of the NID should be located at a location other than the George Bush Center for Intelligence in Langley, Virginia.

## Section 1095—Transitional Authorities

This section would allow the head of any executive agency, upon the request of the National Intelligence Director (NID), to provide services or detail personnel to the NID, on a reimbursable basis.

## Section 1096—Effective Dates

This section would make the title and amendments to this Act effective on the date of the enactment. This section would also require the National Intelligence Director (NID) to appoint individuals to positions within the Office of the NID. This section would not apply with respect to the Deputy National Intelligence Director. This section also would require the President to transmit to Congress the implementation plan required, not later than 180 days after enactment.

## SUBTITLE I—OTHER MATTERS

## Section 1101—Study of Promotion and Professional Military Education School Selection Rates for Military Intelligence Officers

This section would require the Secretary of Defense to conduct a study of the promotion selection rates, and the selection rates for attendance at professional military education schools, of intelligence officers of the Armed Forces. This section would require the Secretary to submit to the Senate Committee on Armed Services and the House Committee on Armed Services a report of the Secretary's findings not later than April 1, 2005.

## COMMITTEE POSITION

On September 29, 2004, the Committee on Armed Services, a quorum being present, reported H.R. 10, as amended, favorably by a vote of 59 ayes to 0 noes.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 2005 and the following four years. The results of such efforts are reflected in the cost estimate prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974, which is included in this report pursuant to clause 3(c)(3).

OCTOBER 4, 2004.

Hon. DUNCAN HUNTER  
*Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 10, the 9/11 Recommendations Implementation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Raymond J. Hall.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

## Congressional Budget Office Cost Estimate

Summary: H.R. 10 would affect the intelligence community, terrorism prevention and prosecution, and border security, as well as international cooperation and coordination. Title I would establish an Office of the National Intelligence Director (NID) to manage and oversee intelligence activities of the U.S. government, including foreign intelligence and counterintelligence activities. The legislation would transfer some existing intelligence organizations to that office and would establish a National Counterterrorism Center and one or more national intelligence centers within the Office of the NID. Title II would authorize funding for law enforcement, counterterrorism activities, and programs related to aviation safety. Title III would increase the number of agents performing border security and immigration functions, improve the security of identity documents such as driver's licenses, and increase the number of consular officers within the Department of State. Title IV would authorize funds for a number of international cooperation programs. Finally, title V would reauthorize and restructure several homeland security programs.

CBO estimates that implementing H.R. 10 would cost about \$550 million in 2005 and \$14.4 billion over the 2005–2009 period, assuming appropriation of the specified and estimated amounts. That total does not include possible additional costs associated with implementing provisions dealing with the creation of an interoperable data system for exchanging law enforcement and intelligence data or the establishment of a Federal Bureau of Investigation (FBI) reserve service because CBO does not have sufficient information to estimate those costs at this time. With regard to the FBI reserve service, CBO cannot predict when a national emergency would occur, but expects that costs for the proposed reserve service would likely be insignificant in most years.

The bill also contains provisions that would decrease direct spending. In particular, it would establish a fund within the Department of Homeland Security (DHS) to enhance efforts to detect explosives at security checkpoints in airports; authorize the collection and spending of \$30 million a year of fees from airline passengers in 2005 and 2006 for that purpose; allow the Director of the FBI to waive the mandatory retirement requirement for agents until age 65; and extend indefinitely the authority of the Central Intelligence Agency (CIA) to offer incentive payments to employees who voluntarily retire or resign. CBO estimates that enacting those provisions would decrease direct spending by about \$25 million in 2005, \$4 million over the 2005–2009 period, and \$2 million over the 2005–2014 period. The estimate of direct spending does not include the effects of extending the authority of the CIA to offer incentive payments to employees who voluntarily retire or resign because the data needed to prepare such an estimate are classified. Enacting H.R. 10 would not affect receipts.

H.R. 10 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that those mandates, in aggregate, would impose costs on state, local, and tribal governments totaling more than \$600 million over fiscal years 2005 through 2009. CBO estimates that the costs in at least one of those years would exceed the threshold established in

UMRA (\$60 million in 2004, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover such costs. H.R. 10 contains no private-sector mandates as defined in UMRA.

**Estimated cost to the Federal Government:** The estimated budgetary impact of H.R. 10 is summarized in Table 1. The costs of this legislation fall within budget functions 050 (national defense), 400 (transportation), 450 (community and regional development), 550 (health), 750 (administration of justice), and 800 (general government).

**Basis of estimate:** Most of H.R. 10's effects on the federal budget would be subject to appropriation of amounts necessary to implement the bill. For this estimate, CBO assumes that the bill will be enacted by the end of the calendar year, that all such amounts will be appropriated near the start of each fiscal year, and that outlays will follow historical patterns for similar activities.

TABLE 1.—BUDGETARY IMPACT OF H.R. 10, THE 9/11 RECOMMENDATIONS IMPLEMENTATION ACT, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON ARMED SERVICES

	By fiscal year, in millions of dollars—				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION <sup>1</sup>					
Estimated Authorization Level .....	1,134	5,025	1,341	4,697	5,261
Estimated Outlays .....	533	4,289	2,093	3,265	4,263
CHANGES IN DIRECT SPENDING <sup>2</sup>					
Estimated Budget Authority .....	*	*	*	*	*
Estimated Outlays .....	-25	-12	19	10	5

<sup>1</sup> These amounts do not include the costs of section 2192 because CBO cannot estimate such costs at this time. The amounts also exclude the costs associated with establishing a reserve service within the Federal Bureau of Investigation. Any such costs would be insignificant in most years, and CBO has no basis for predicting when a national emergency would occur.

<sup>2</sup> These amounts do not include the costs of section 1061 because the data needed to prepare an estimate are classified.

Note.—\* = between zero and -\$500,000.

*Spending Subject to Appropriation.* The bill contains provisions that would affect the intelligence community, terrorism prevention and prosecution, and border security, as well as international cooperation and coordination. Table 2 presents CBO's estimates of the cost of those provisions. In total, we estimate that implementing H.R. 10 would cost \$14.4 billion over the 2005–2009 period, assuming appropriation of the specified and estimated amounts. That total does not include the possible additional costs associated with implementing provisions dealing with the creation of an interoperable data system for exchanging law enforcement and intelligence data or the establishment of an FBI reserve service because CBO does not have sufficient information to estimate those costs at this time. With regard to the FBI reserve service, CBO cannot predict when a national emergency would occur, but expects that costs for the proposed reserve service would likely be insignificant in most years.

TABLE 2.—ESTIMATED CHANGES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 10 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON ARMED SERVICES

	By fiscal year, in millions of dollars—				
	2005	2006	2007	2008	2009
Reform the Intelligence Community:					
Estimated Authorization Level .....	40	235	75	90	70
Estimated Outlays .....	30	60	110	145	140
Combating Financial Crimes:					
Authorization Level 51 .....	51	0	0	0	0
Estimated Outlays .....	36	15	0	0	0
Aviation Security:					
Estimated Authorization Level .....	528	4,343	330	0	0
Estimated Outlays .....	238	3,666	957	340	0
Improve Intelligence Capabilities of the FBI:					
Estimated Authorization Level .....	4	5	6	7	8
Estimated Outlays .....	3	5	6	8	8
Increase the Number of Border Patrol and Immigration Agents:					
Estimated Authorization Level .....	0	174	526	981	1,451
Estimated Outlays .....	0	165	509	958	1,427
Grants to Improve Security of Driver's Licenses:					
Estimated Authorization Level .....	80	30	30	10	10
Estimated Outlays .....	80	30	30	10	10
New Standards for Issuance of Birth and Death Certificates:					
Estimated Authorization Level .....	330	20	30	40	50
Estimated Outlays .....	70	150	160	35	45
Expand Immigration Services at Foreign Airports:					
Authorization Level .....	49	88	137	0	0
Estimated Outlays .....	39	80	127	28	0
Increase the Number of Consular Officers:					
Estimated Authorization Level .....	0	33	62	93	125
Estimated Outlays .....	0	27	54	84	115
Reform International Cooperation and Coordination:					
Estimated Authorization Level .....	17	17	17	7	7
Estimated Outlays .....	7	15	17	15	9
First-Responder Grants:					
Estimated Authorization Level .....	0	0	0	3,314	3,381
Estimated Outlays .....	0	0	0	1,491	2,350
Counternarcotics Office:					
Estimated Authorization Level .....	6	6	6	6	6
Estimated Outlays .....	4	6	6	6	6
Security Clearance Modernization:					
Estimated Authorization Level .....	23	68	116	143	147
Estimated Outlays .....	21	64	111	140	147
Public Safety Communications Interoperability:					
Estimated Authorization Level .....	6	6	6	6	6
Estimated Outlays .....	5	6	6	6	6
Total Changes: <sup>1</sup>					
Estimated Authorization Level .....	1,134	5,025	1,341	4,697	5,261
Estimated Outlays .....	533	4,289	2,093	3,265	4,263

<sup>1</sup> These amounts do not include the costs of section 2192 because CBO cannot estimate such costs at this time. The amounts also exclude the costs associated with establishing a reserve service within the Federal Bureau of Investigation. Any such costs would be insignificant in most years, and CBO has no basis for predicting when a national emergency would occur.

Note.—FBI = Federal Bureau of Investigation.

*Reform the Intelligence Community.* Title I would reform the intelligence community by establishing the position of National Intelligence Director and an Office of the National Intelligence Director to manage and oversee intelligence activities of the U.S. government, including foreign intelligence and counterintelligence activities. The legislation also would transfer some existing organizations, specifically the Office of the Deputy Director of Central Intelligence for Community Management and the Terrorist Threat Integration Center (TTIC), to that office and would establish a National Counterterrorism Center and one or more national intelligence centers within the Office of the NID. The bill would expand language

training within the intelligence community and authorize additional scholarships for new recruits. Finally, the legislation would establish a civilian linguist reserve corps.

CBO estimates that implementing title I and other provisions relating to the intelligence community would cost about \$490 million over the 2005–2009 period (see Table 3). These costs are in addition to those that would be incurred under current law by the Office of the Deputy Director of Central Intelligence for Community Management and the Terrorist Threat Integration Center. The estimated costs include expenses to establish, house, and administer the new Office of the National Intelligence Director and implement other specified programs, such as improving training programs and establishing a scholarship program.

TABLE 3.—ESTIMATED CHANGES IN SPENDING SUBJECT TO APPROPRIATION FOR REFORMING THE INTELLIGENCE COMMUNITY UNDER H.R. 10 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON ARMED SERVICES

	By fiscal year, in millions of dollars—				
	2005	2006	2007	2008	2009
Create the Office of the National Intelligence Director:					
Estimated Authorization Level .....	15	210	50	80	60
Estimated Outlays .....	10	35	80	135	130
Other Program Authorizations:					
Estimated Authorization Level .....	25	25	25	10	10
Estimated Outlays .....	20	25	25	10	10
Total Changes:					
Estimated Authorization Level .....	40	235	75	90	70
Estimated Outlays .....	30	60	110	145	140

*Create the Office of the National Intelligence Director.* CBO estimates that establishing, housing, and administering the Office of the NID would cost about \$390 million over the 2005–2009 period. The bill would transfer the Office of the Deputy Director of Central Intelligence for Community Management (identified as the Intelligence Community Management Account within the budget) and the TTIC to the Office of the NID.

The Intelligence Community Management Account (ICMA) was established by Congressional direction to provide resources that directly support the Director of the Central Intelligence Agency and the intelligence community as a whole in coordinating cross-program activities. Because part of its budget is classified, CBO does not know the overall size of this organization. Unclassified budgets for the ICMA indicate that the office has a staff of about 300 people who develop the National Foreign Intelligence Program budget, oversee research and development activities, and develop intelligence plans and requirements, but the Congress also authorizes and appropriates funds for additional staff in the classified portion of the intelligence budget.

Similarly, CBO has no budget information on the TTIC, but public information released by the White House indicates that the center opened in May 2003 with a staff of about 60 people working alongside the counterterrorism offices of the Federal Bureau of Investigation and the CIA. That same information indicates that the Administration expects to eventually staff the TTIC with between 200 and 300 people to serve as the hub for all intelligence regarding terrorist threats.

CBO expects that the NID would require staff to perform its authorized functions in addition to the staff transferred from the ICMA and the planned staff for the TTIC. Because much of the detailed information regarding the organization, staffing levels, and budgets of the intelligence community are classified at a level above clearances held by CBO employees, CBO has used information about staff requirements from similar organizations within the Department of Defense (DoD), the Department of Homeland Security, and other federal agencies to attempt to estimate the number of additional staff that might be needed by the NID. Based on that analysis, CBO estimates that the NID might need to hire around 300 new staff, including appointees such as principal and deputy directors, key managers such as a general counsel, a civil liberties protection officer, personnel to perform administrative functions such as policy development and budget and finance activities, and personnel for the National Counterterrorism Center and one or more national intelligence centers. CBO expects that many of these new hires would be staff transferred from other organizations within the intelligence community but that those other organizations would eventually fill many of the vacated positions within their organizations over about a four year period following enactment of this legislation.

Based on information about the staffing levels and costs for the administrative offices of the Department of Defense, the Department of Homeland Security, and other agencies, CBO estimates that the personnel and related expenses to provide centralized leadership, coordination, and support and analytical services for the Office of the National Intelligence Director would eventually cost around \$45 million annually, but that costs would be much lower in the first few years as positions are filled. CBO estimates that such costs would be minimal in the first year and total about \$130 million over the 2005–2009 period.

Section 1094 would express the sense of the Congress that the permanent location of the NID headquarters be at a location other than the George Bush Center for Intelligence in Langley, Virginia. For this estimate, CBO assumes that the Director's office and associated staff would occupy the space currently used by the Intelligence Community Management staff until fiscal year 2007. Starting in 2007, CBO assumes that the office would move to new office space in a building owned by the General Services Administration (GSA) until a new building can be built for its use. CBO estimates that initially GSA would need to renovate and furnish office space for the NID staff. (After 2009, CBO expects that these positions would be relocated to the new permanent NID headquarters.) CBO estimates that the GSA rental payments would reach about \$20 million a year and total about \$40 million over the 2007–2009 period. Additional costs to purchase computers, network equipment, and supplies in the first few years following the relocation into the GSA-owned building also would be significant. CBO estimates that those costs would total \$30 million over the 2007–2009 period.

CBO assumes that GSA would construct a new building on land already owned by the federal government to serve as the headquarters for the Office of the NID. Based on information provided by GSA about recent federal office building projects, CBO estimates that planning and design of the new headquarters would cost \$15

million over the 2005–2006 period, and that constructing the facility to house NID employees would cost about \$175 million over the 2006–2009 period. (An additional \$20 million in spending would occur in 2010 to complete construction of the new building.) CBO assumes that the headquarters would be located on property already owned by the federal government in the Washington, D.C. area. If GSA had to buy land for the building site, costs would be higher. CBO assumes that construction of the new facility would not start until sometime in late 2006 and would be completed after 2009. Therefore, CBO estimates that no costs associated with furnishing, equipping, and maintaining the new space would be incurred during the 2005–2009 period nor would there be costs to relocate NID staff from the interim offices to the new headquarters over that period.

*Other Program Authorizations.* Title I also would authorize the President and the NID to initiate or enhance several programs within the intelligence community. Based on information from the Administration and on the costs of other similar efforts, CBO estimates that those efforts would cost about \$20 million in 2005 and total around \$90 million over the 2005–2009 period, subject to appropriation of the specified and estimated amounts.

- Section 1052 would authorize the appropriation of an additional \$2 million a year to carry out the grant program for the National Flagship Language Initiative, which was established to improve higher education in foreign languages that the Secretary of Defense has identified as critical to the interests of the national security of the United States. CBO estimates that implementing this section would cost \$10 million over the 2005–2009 period, assuming appropriation of the specified amounts.

- Section 1053 would establish a new scholarship program within the National Security Education Trust Fund. The scholarships would be available to students who are U.S. citizens and are native speakers of a foreign language that is identified as critical to the national security interests of the United States. The scholarships would enable those students to pursue English language studies at an institution of higher education in the United States to attain proficiency in those skills. The bill would authorize the appropriation of \$4 million a year starting in 2005 for these scholarships. CBO estimates that the costs for the scholarship program would total about \$20 million over the 2005–2009 period, assuming appropriation of the specified amounts.

- Section 1055 would establish a program operated jointly by the NID and the Department of Defense to advance foreign language skills in languages that are critical to the capability of the intelligence community to carry out national security activities. Under this provision, personnel from the intelligence community could be reimbursed for the total cost of tuition and training in foreign language studies undertaken at educational institutions that have entered into educational partnerships with the U.S. government. In addition, federal agencies would be allowed to provide financial assistance to those educational institutions, including the loan of equipment and instructional materials. CBO has no specific information about how this joint NID/DoD program would be implemented. Assuming that participation levels would be similar to those for another foreign language program offered within the Na-

tional Security Education Trust Fund, CBO estimates that the new program would cost about \$1 million a year.

- Section 1056 would allow the NID to establish a civilian linguist reserve corps consisting of U.S. citizens with advanced levels of proficiency in foreign languages. CBO assumes that members of the reserve corps would receive pay, transportation, and per diem when performing work for the federal government as requested by the President. The pilot project would be conducted for a three-year period, starting in 2005. Based on information provided by the staff of the National Security Education Program, CBO expects that the reserve corps would consist of about 150 people at any given time and cost about \$50 million over the 2005–2007 period.

- Section 1062 would establish an Emerging Technologies Panel within the National Security Agency to advise the NID on the research, development, and application of existing and emerging science and technology advances, advances in encryption, and other topics. Based on the budgets of other advisory panels, CBO estimates that the costs to operate this panel would be about \$1 million in 2005 and would total \$10 million over the 2005–2009 period.

*Combating Financial Crimes.* Sections 2101 and 2102 would authorize the appropriation of \$51 million for fiscal year 2005 for the Financial Crimes Enforcement Center to improve its computer systems and to assist states and localities in combating financial crimes. CBO estimates that this provision would result in outlays of \$36 million in 2005 and \$15 million in 2006, assuming appropriation of the specified amount.

*Aviation Security.* Title II would authorize the appropriation of the funds necessary to continue aviation security programs in 2006 and to deploy explosive-detection equipment at airport check points. Based on information from DHS and current funding levels, CBO estimates that title II would authorize the appropriation of about \$5.2 billion over the 2005–2007 period for aviation security programs administered by the Department of Homeland Security. We estimate that most of that amount—roughly \$4 billion—would be authorized to be appropriated in fiscal year 2006 for ongoing programs administered by the Transportation Security Administration (TSA) and for the federal air marshals. (That estimate is net of almost \$2 billion in offsetting collections from passenger and air-carrier fees that we assume will continue to be collected by DHS in 2006 to partly offset the cost of aviation security programs in that year.) This estimate also includes almost \$1 billion over the 2005–2007 period for installing explosive-detection equipment at airport screening checkpoints and \$70 million in 2005 for programs to better control access to airports, improve passenger screening, and train federal law enforcement officials in certain counterterrorism measures. In addition, title II would specifically authorize the appropriation of \$95 million in 2005 for security projects at airports and \$2 million for a pilot program to test technology to reduce the threat of explosions of baggage and cargo on commercial flights. Assuming appropriation of the specified and estimated amounts, CBO estimates that implementing all of these provisions would cost \$238 million in 2005 and \$5.2 billion over the 2005–2009 period.

*Improve the Intelligence Capabilities of the FBI.* Section 2193 would direct the FBI to continue to improve the intelligence capa-

bilities of the bureau and to develop and maintain a national intelligence workforce within the FBI. Today, the FBI spends about \$30 million on counterterrorism training. Since 2002, more than 1,500 agents have been added to the bureau's staff to meet its counterterrorism mission, an increase of about 20 percent. In addition, since the events of September 11, 2001, the FBI has partnered with other intelligence agencies to provide training in counterterrorism and counterintelligence to its staff, and it plans to increase that training in the future. CBO assumes that implementation of this bill would require the agency to conduct more extensive training than is currently planned. Based on information from the bureau, we estimate that this additional training would cost \$3 million in 2005 and almost \$30 million over the 2005–2009 period, assuming appropriation of the necessary amounts.

*Interoperable Law Enforcement and Intelligence Data System.* Under the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173), the Administration is required to integrate all law enforcement data into an interoperable electronic data system known as the Chimera system. However, the act did not establish a firm date by which the Administration must deploy a fully operational Chimera system. Section 2192 would transfer the responsibility for this activity to the NID. The provision would direct the NID to design a state-of-the-art Chimera system with both biometric identification and linguistic capabilities satisfying the best technology standards, and to deliver a fully operational system by September 11, 2007, for use by the intelligence community, federal law enforcement agencies, and counterterrorism personnel to collect and share information. Although CBO believes that establishing a firm deadline for the operational system would likely result in increased discretionary spending in the near term, CBO does not have sufficient information to estimate that increase at this time. Absent information as to whether this transfer would result in changes to the system, CBO also cannot estimate whether any long-term costs would result from this transfer.

*Increase the Number of Border Patrol and Immigration Agents.* Sections 3003 and 3004 would direct DHS to increase the number of border patrol agents by 2,000 per year and the number of investigators of immigration violations by 800 each year over the 2006–2010 period. Implementing this provision would increase the number of federal agents by 14,000 by 2010. Assuming appropriation of the necessary amounts, CBO estimates that this provision would cost \$165 million in fiscal year 2006 and \$3.1 billion over the 2006–2009 period.

*Grants To Improve the Security of Driver's Licenses.* Section 3055 would authorize the appropriation of such sums as necessary for fiscal years 2005 through 2009 for DHS to make grants to states to cover the costs of improving the security of driver's licenses as required by the bill. Based on information from states and from the American Association of Motor Vehicle Administrators (AAMVA), CBO estimates that implementing this provision would cost \$80 million in 2005 and \$160 million over the 2005–2009 period, assuming appropriation of the necessary amounts.

*New Standards for Issuance of Birth and Death Certificates.* Sections 3062 and 3063 would require new federal standards governing the issuance and management of birth certificates recog-

nized by the federal government. Section 3064 would require the establishment of a uniform electronic birth and death registration system, and section 3065 would extend that system to allow electronic verification of vital records.

Maintaining birth and death records has long been a function of state governments. The Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention (CDC), currently works with states to compile birth and death data for epidemiological studies. H.R. 10 would authorize the Secretary to expand that cooperation to the formal linking of birth and death records for purposes of preventing fraud and other government uses. The bill also would authorize the appropriation of such sums as may be necessary for these activities, including grants to states to comply with these new requirements.

Based on information from the CDC and the National Association for Public Health Statistics and Information Systems, CBO estimates that implementing the new security standards and building the electronic system of vital records would cost \$460 million over the 2005–2009 period, assuming appropriation of the necessary amounts. That cost would be for grants to states to meet the new federal requirements. Of these amounts, \$70 million in 2005 and \$330 million over the 2005–2009 period would cover start-up costs, including digitalizing old birth and death certificates, building electronic systems for reporting deaths in some states, upgrading security arrangements, and acquiring computer infrastructure. CBO estimates that operating the new system for vital records over the 2006–2009 period would cost \$130 million. We expect that the system would be fully operational in 2009, at which point annual operating costs would total \$50 million.

*Expand Immigration Services at Foreign Airports.* Sections 3082 and 3083 would authorize the appropriation of \$49 million for 2005, \$88 million for 2006, and \$137 million for 2007 for DHS to expand preinspection services and immigration security at foreign airports. CBO estimates that implementing this provision would cost \$274 million over the 2005–2009 period, assuming appropriation of the specified amounts.

*Increase the Number of Consular Officers.* Section 3084 would authorize the Secretary of State to increase the number of consular officers by 150 each year over the number allotted in the previous year during the 2006–2009 period. It also would authorize the Secretary to provide additional training to consular officers in the detection of fraudulent documents presented by applicants for admission into the United States. Based on the average cost of training and stationing consular officers overseas, CBO estimates that implementing the provision would cost \$27 million in 2006 and \$280 million over the 2006–2009 period.

*Reform International Cooperation and Coordination.* Title IV would require the President to produce numerous reports, express the sense of the Congress on many issues, and urge the President to seek agreements with other countries to improve cooperation in the global fight against terrorist organizations. The title also would authorize some additional spending. Subtitle D, the Afghanistan Freedom Support Act Amendments of 2004, would authorize additional rule-of-law, disarmament, and counternarcotics activities in Afghanistan by the U.S. Department of State, but would not in-

crease the overall authorization of appropriations above the \$425 million authorized for each of fiscal years 2005 and 2006 in current law.

Title IV contains three indefinite authorizations of appropriations and other provisions that CBO estimates would cost \$7 million in 2005 and \$63 million over the 2005–2009 period, assuming appropriation of the necessary amounts. In the cases where the same provision has been included in other bills at specified authorization levels, CBO used that authorization level for this estimate. CBO assumes that spending for these programs will follow the historical pattern of similar programs.

- Section 4041 would authorize the appropriation of such sums as may be necessary in 2005, 2006, and 2007 to provide grants to American-sponsored schools in predominately Muslim countries to provide scholarships to students from lower- and middle-income families of those countries. H.R. 4303, the American Education Promotion Act, as ordered reported by the House Committee on International Relations on June 24, 2004, would authorize the appropriation of \$5 million each year for such grants. That amount is included in this estimate.

- Section 4042 would authorize the appropriation of such sums as may be necessary in 2005, 2006, and 2007 for grants by the National Endowment for Democracy to enhance free and independent media worldwide. H.R. 1950, the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005, as reported by the House Committee on International Relations on May 16, 2003, would have authorized \$15 million for such grants. CBO assumes the amount would be provided in three equal installments over the three-year period.

- Section 4103 would authorize the appropriation of such sums as may be necessary for programs to reduce the number of shoulder-fired missiles. For the purpose of the estimate, CBO assumed the appropriation of \$5 million each year, an amount similar to the cost of other programs for reducing the availability of small arms.

- Section 4035 would establish within the Department of State an Office on Multilateral Negotiations. In our estimate for H.R. 4053, the United States International Leadership Act of 2004, as ordered reported by the House Committee on International Relations on March 31, 2004, CBO estimated that establishing and operating an Office on Multilateral Negotiations would cost \$2 million a year.

- Sections 4011 and 4012 would require the Secretary of State to fill vacancies on the Arms Control and Nonproliferation Advisory Board and to provide resources to procure the services of experts and consultants. Based on the cost of other advisory boards, CBO estimates that implementing these sections would cost less than \$200,000 a year.

*First-Responder Grants.* Subtitle A of title V would authorize funding for grants to state and local governments for staff and equipment to respond to acts of terrorism and natural disasters. It would authorize the Secretary of the Department of Homeland Security to change the criteria used to distribute funding for four existing first-responder grant programs—the State Homeland Security, the Urban Area Security Initiative, the Law Enforcement Terrorism Prevention, and the Citizen Corps grant programs. Assum-

ing appropriation of the necessary funds, CBO estimates that implementing this subtitle would cost \$3.8 billion over the 2008–2009 period.

Almost \$10 billion has been appropriated for first-responder grants since fiscal year 2003, including about \$3 billion in fiscal year 2004. The Office of Domestic Preparedness (within DHS) derives its primary authority to distribute grants to states and localities to prepare and respond to terrorism from the USA Patriot Act (Public Law 107–56). That law authorized the appropriation of such sums as necessary for first-responder grants through fiscal year 2007. This subtitle would supersede this authority for first-responder grants in the Patriot Act and continue the authorization to appropriate such sums as necessary after 2007.

For this estimate, CBO assumes that the amount in CBO's baseline—\$3.3 billion—would be appropriated for first-responder grants in 2008 and that 2009 funding levels for first-responder grants would continue at that level, adjusted for anticipated inflation.

*Counternarcotics Office.* Section 5021 would authorize the appropriation of \$6 million in fiscal year 2005 to strengthen the authority of the Counternarcotics Officer at DHS. Under the bill, the Office of Counternarcotics Enforcement would be responsible for coordinating policies and federal operations aimed at preventing the entry of illegal drugs into the United States. DHS currently has a Counternarcotics Officer within the Chief of Staff's office. According to that office, the Counternarcotics Office is working with limited authority to coordinate the agency's anti-drug effort. Assuming the appropriation of the necessary amounts to continue this effort over the next five years, CBO estimates that implementing this provision would cost \$28 million over the 2005–2009 period.

*FBI Reserve Service.* Section 5053 would allow the FBI to establish a reserve service consisting of former employees of the FBI who would be eligible for temporary reemployment during a period of national emergency. Under the bill, the total number of personnel in this reserve service could not exceed 500 individuals. Members of the reserve service would receive reimbursement for transportation and per diem expenses when participating in any training, and members who are retired federal employees would be allowed to collect both pay and retirement benefits during their period of reemployment. CBO cannot predict when a national emergency might occur, so no costs are included in this estimate for activating the proposed FBI Reserve Service. In most years, CBO expects that the cost associated with the reserve service would be insignificant—mostly covering limited training time, per diem, and transportation expenses. In an emergency, if all members of the reserve corps were reemployed for six months, the costs would total about \$25 million.

*Security Clearance Modernization.* Beginning five years after enactment of this bill, section 5076 would require the Office of Personnel Management (OPM) to achieve a 60-day turnaround period for all security clearances requested by federal agencies. Currently, OPM anticipates that by the fall of 2005 the typical turnaround period for security clearances will be approximately 120 days. Based on information from OPM, CBO expects that approximately 1,700 new investigators would have to be hired over the next three years to meet the 60-day standard. With an average annual cost of about

\$80,000 per investigator, and assuming the appropriation of the necessary amounts, CBO estimates that this provision would cost \$483 million over the 2005–2009 period.

*Interoperability of Public Safety Communications.* Section 5131 would establish a program within DHS to provide assistance and training to enhance the interoperability of public safety communication among federal, state, and local governments in high-risk jurisdictions. DHS currently conducts activities to enhance communications; however, according to that office, it is working with limited funds and legal authority. Based on information from DHS, CBO estimates that implementing this section would cost \$29 million over the 2005–2009 period.

#### *Direct spending*

The bill contains provisions that would decrease direct spending (see Table 4). CBO estimates that enacting those provisions would decrease direct spending by about \$25 million in 2005, \$4 million over the 2005–2009 period, and \$2 million over the 2005–2014 period. The estimate of direct spending does not include spending associated with extending the authority of the CIA to offer incentive payments to employees who voluntarily retire or resign because the data needed to prepare such an estimate are classified.

TABLE 4.—CHANGES IN DIRECT SPENDING UNDER H.R. 10 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON ARMED SERVICES<sup>1</sup>

	By fiscal year, in millions of dollars—									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Estimated Budget Authority .....	*	*	*	*	*	*	*	*	*	*
Estimated Outlays .....	-25	-12	19	10	5	3	*	*	*	*

<sup>1</sup> These amounts do not include the costs of section 1061 because the data needed to prepare an estimate are classified.  
Note.—\* = between zero and -\$500,000.

*Authority To Offer Incentive Payments to Employees of the CIA Who Voluntarily Resign or Retire.* Section 1061 would extend indefinitely the authority of the CIA to offer incentive payments to employees who voluntarily retire or resign. Under current law, this authority would expire on September 30, 2005. This section also would eliminate the requirement that the CIA make a deposit to the Civil Service Retirement and Disability Fund equal to 15 percent of final pay for each employee who accepts an incentive payment. Extending authority to offer incentive payments to these employees could increase outlays from the Civil Service Retirement System in the near term, although those amounts would be offset by reduced retirement payments in later years. CBO cannot provide an estimate of the direct spending effects because the data needed for such an estimate are classified.

*Aviation Security.* Section 2177 would establish a fund within DHS to enhance efforts to detect explosives at security checkpoints in airports. The bill would authorize the collection and spending of \$30 million a year of fees from airline passengers in 2005 and 2006.

The cost of the new program would be offset by fee collections authorized under the bill. TSA already collects a \$2.50 fee from airline passengers each time they board an aircraft (with a maximum of \$5.00 per one-way trip). Under current law, such fees may be

collected only to the extent provided for in advance in appropriations acts, and income from those fees is recorded as an offset to appropriated spending. H.R. 10 would require TSA to collect up to \$30 million a year from passengers without appropriation action. Under H.R. 10, we estimate that the agency would collect that amount each year. Because H.R. 10 would cause such fees to be used to finance the activities related to explosives detection at airport checkpoints, such fees would not be available to reduce the costs of other TSA spending. In other words, the collections under H.R. 10 would lead to a reduction in the amount of fees recorded as offsets to appropriated spending—essentially changing some discretionary offsetting collections into mandatory offsetting receipts.

Based on historical spending patterns for similar activities, CBO estimates that fees collected under this provision would exceed the amounts actually spent for explosives detection for the next few years. Hence, we estimate that enacting section 2177 would reduce net direct spending by \$37 million in 2005 and 2006, but would increase net direct spending in later years and have no net impact on the budget over the 2005–2014 period.

*Increased Fines for New Federal Crimes.* Several sections in title II would establish new federal crimes for offenses relating to the commission of terrorist acts. Because those prosecuted and convicted under the bill could be subject to fines, the federal government might collect additional fines if the legislation is enacted. Criminal fines are deposited as receipts in the Crime Victims Fund and later spent. CBO expects any additional revenues and direct spending under the bill would be negligible because of the small number of cases involved.

*Authority To Waive Separation Age Requirement for FBI Agents.* Section 5051 would provide the FBI with the ability to allow agents to remain at the agency beyond the age of 60. Under current law, FBI agents are required to retire at age 57, although the agency's director may waive that requirement until the agent turns 60. This section would allow the director to waive the mandatory retirement requirement until age 65. This authority would last through the end of 2009, at which time the waiver authority would revert to current law. Information provided by the FBI indicates that the agency issues waivers to between 25 and 75 employees annually. By expanding the current waiver authority, CBO expects the bill would cause some FBI employees to retire later than they otherwise would have. We anticipate this would cause retirement annuities to fall in the near term, and to increase after the expanded waiver authority expires in 2009. CBO estimates this section would reduce direct spending for retirement benefits by less than \$500,000 in 2005 and by a total of \$2 million over the 2005–2014 period.

Estimated impact on state, local, and tribal governments: H.R. 10 contains several intergovernmental mandates as defined in UMRA. The major mandates would require state, local, and tribal governments to significantly change the way they process and issue driver's licenses, identification cards, and birth and death certificates. The costs to state, local, and tribal governments would depend on federal regulations that are yet to be developed. However, based on information from state agencies, CBO estimates that, in aggregate, the intergovernmental mandates in the bill would impose costs on state, local, and tribal governments totaling more

than \$600 million over fiscal years 2005 through 2009. CBO estimates that the costs in at least one of those years would exceed the threshold established in UMRA (\$60 million in 2004, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover such costs.

*Intergovernmental mandates with significant costs*

*Driver's Licenses.* H.R. 10 would effectively require state agencies that issue driver's licenses to comply with new standards for producing, verifying, and ensuring the security of driver's licenses and identification cards. Those provisions would be effective three years after the bill's enactment. CBO considers these standards to be mandates because any driver's licenses issued after that time would be invalid for federal identification purposes unless they met those requirements.

Based on information from AAMVA and other groups representing state and local governments, CBO expects that states would face significant additional costs to administer the new system. Specifically, state licensing agencies would be required to verify, with the issuing agency, each document presented as proof of identification and residency. Agencies such as the Social Security Administration currently charge a fee for each verification, and assuming that other agencies would charge similar fees, states would incur ongoing costs as well as one-time costs to upgrade computer systems to meet those requirements. States also would face significant costs to upgrade computer systems to digitize and store electronic copies of all source documents and to create and maintain the Driver's License Agreement, an interstate database to share driver information. Finally, certain states that do not currently require background checks for certain employees would face additional costs to complete those checks.

CBO assumes that states would begin to establish procedures for complying with these standards in 2005, the year following the bill's enactment; we estimate that they would incur additional costs totaling \$80 million during that first year and another \$80 million over fiscal years 2006 through 2009.

*Issuance and Verification of Vital Statistics Information.* H.R. 10 also would impose several intergovernmental mandates with significant costs on state, local, and tribal agencies that issue birth and death certificates. Those agencies would effectively be required to print birth certificates on safety paper, to establish a central database of vital information, and to ensure that certain employees have security clearances. Those provisions also would be effective three years after the bill's enactment. Certificates issued after that date would be invalid for certain purposes unless they met those requirements. We estimate that state, local, and tribal governments would face additional costs to comply with those requirements totaling more than \$70 million in 2005, and almost \$400 million over fiscal years 2006 through 2009. Most of those costs would be for upgrading computer software and hardware, and for staff time to convert existing paper records into electronic records. These are mostly one-time costs that would be incurred over the five-year period.

*Mandates With No Significant Costs.* The bill also contains several other inter-governmental mandates, but CBO expects that

they would probably not impose significant additional costs on state, local, or tribal governments. Specifically, the bill would:

- Require state licensing agencies to include minimum features on all driver's license and identification cards, including full legal name, date of birth, gender, driver's license or identification number, photo, legal address, physical security features, and machine-readable technology. According to AAMVA, all states currently include these minimum features on licenses.

- Require state agencies to meet minimum standards before issuing driver's licenses, including documenting the individual's name, date of birth, address, and proof of Social Security number. While states currently set their own standards for such information, all states currently require at least this minimum documentation.

- Require states to maintain a database of driver information; require states to implement training classes for employees to identify fraudulent documents; and require documents and supplies to be securely stored. According to state officials, all states currently comply with those requirements.

- Require offices that maintain vital information to comply with requirements for securing their buildings. Based on information from representatives of state offices of vital statistics, CBO believes that most offices already would be in compliance, assuming that the Secretary of the Department of Homeland Security would establish minimum security requirements in any event.

- Require that state and local governments limit access to birth and death certificates. Fourteen states currently allow public access to those records, but CBO estimates that they would incur no additional costs to limit access.

- Prohibit states from accepting any foreign document, other than an official passport, for identification purposes for the issuance of driver's licenses. Currently, at least 10 states accept identification cards issued by foreign governments, such as the "matricula consular" issued by Mexico. This prohibition would preempt state authority.

- Require states to resolve any discrepancies that arise from verifying Social Security numbers, though the language is unclear as to what specific actions would be required. Currently, at least two states prohibit their employees from enforcing immigration laws, and many of those discrepancies may be related to immigration. This requirement might preempt those state laws.

- Prohibit states from displaying Social Security numbers on driver's licenses or from including Social Security numbers (SSNs) in bar codes, magnetic strips, or similar devices. CBO has found few instances where states used SSNs as identifiers on licenses or coded SSNs in some other manner on the license.

- Require all law enforcement officers who are armed, including state and local personnel, to have a standardized credential when traveling on aircraft. CBO assumes TSA would establish and issue such credentials.

Estimated impact on the private sector: The bill contains no private-sector mandates as defined in UMRA.

Previous CBO estimates: On October 4, 2004, CBO transmitted a cost estimate for H.R. 10 as ordered reported by the House Permanent Select Committee on Intelligence on September 29, 2004.

The two versions of the bill are almost identical. The differences in the legislation do not affect the estimated costs of either bill. Thus, the two CBO estimates are identical.

On September 24, 2004, CBO transmitted a cost estimate for S. 2840, the National Intelligence Reform Act of 2004, as reported by the Senate Committee on Governmental Affairs. Both bills would create a new Office of the National Intelligence Director and reform certain aspects of the intelligence community. H.R. 10 also would reform terrorism prevention and prosecution, border security, and international cooperation and coordination activities—areas not addressed by S. 2840. Differences in the estimated costs reflect differences between the two bills.

Estimate prepared by: Federal Costs: Intelligence Programs: Raymond J. Hall, Homeland Security: Megan Carroll and Julie Middleton, Justice: Mark Grabowicz, Vital Records: Timothy J. Gronniger, International Programs: Joseph C. Whitehill, General Government: Matthew Pickford. Impact on State, Local, and Tribal Governments: Melissa Merrell. Impact on the Private Sector: Chad Goldberg.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis

#### COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee generally concurs with the estimate as contained in the report of the Congressional Budget Office.

#### OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) rule X and are reflected in the body of this report.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures. The bill does, however, authorize appropriations. Other fiscal features of this legislation are addressed in the estimate prepared by the committee under clause 3(d)(2) of rule XIII of the Rules of the House of Representatives.

#### GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules for the House of Representatives, this legislation would address several general and outcome related performance goals and objectives. The general goal and objective of this legislation is to improve the quality and accuracy of intelligence analysis conducted by the intelligence community, and to improve intelligence sharing among all users of national intelligence. This legislation seeks to accomplish this goal by establishing a National Intelligence Director (NID), separate from the Central Intelligence Agency, as the central authority over national intelligence programs. This legislation seeks to accomplish this objective by providing the NID with expanded,

statutory, budgetary, and personnel powers to centrally manage the national intelligence community, while at the same time ensuring the ability of the Secretary of Defense to provide direct intelligence support for the military user.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the United States Constitution.

#### STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104–4, intergovernmental mandates, and federal mandates with respect to state, local, and tribal governments, contained in this Act are addressed in the report of the Congressional Budget Office. This Act provides no private sector mandates.

#### RECORD VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, record and voice votes were taken with respect to the committee's consideration of H.R. 10. The record of these votes is attached to this report.

The committee ordered H.R. 10, as amended, reported to the House with a favorable recommendation by a vote of 59–0, a quorum being present.

**COMMITTEE ON ARMED SERVICES  
108TH CONGRESS  
ROLL CALL**

Amendment Number: 16

Date: 9/29/04

Description: Substitute amendment

Offered by: Cooper

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weldon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz			
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor	X		
Mr. Everett		X		Mr. Abercrombie	X		
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes	X		
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler		X		Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryun (KS)		X		Ms. Sanchez	X		
Mr. Gibbons		X		Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)		X		Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady			
Mr. Simmons	X			Mr. Hill	X		
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall		X	
Mr. Cole		X		Mr. Meek			
Mr. Bradley		X		Ms. Bordallo	X		
Mr. Bishop		X		Mr. Ryan (OH)	X		
Mr. Turner (OH)		X		Mr. Stenholm	X		
Mr. Kline		X					
Mrs. Miller (MI)		X					
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

Roll Call Vote Total:

25 Aye 33 Nay Present

**COMMITTEE ON ARMED SERVICES  
108TH CONGRESS  
ROLL CALL**

Amendment Number: 15

Date: 09/29/04

Description: Inspector General within office of NID      Offered by: Tauscher

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weldon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz			
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor	X		
Mr. Everett		X		Mr. Abercrombie	X		
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes	X		
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler		X		Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryun (KS)		X		Ms. Sanchez	X		
Mr. Gibbons		X		Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)	X			Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady			
Mr. Simmons	X			Mr. Hill	X		
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall	X		
Mr. Cole		X		Mr. Meek			
Mr. Bradley		X		Ms. Bordallo	X		
Mr. Bishop		X		Mr. Ryan (OH)	X		
Mr. Turner (OH)		X		Mr. Stenholm	X		
Mr. Kline		X					
Mrs. Miller (MI)		X					
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

Roll Call Vote Total:

27 Aye 31 Nay Present

**COMMITTEE ON ARMED SERVICES  
108TH CONGRESS  
ROLL CALL**

Amendment Number: 20

Date: 09/29/04

Description: Prevents CIA director  
from becoming 1st NID  
without Senate confirmation

Offered by: Sanchez

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weldon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz			
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor	X		
Mr. Everett		X		Mr. Abercrombie	X		
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes	X		
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler				Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryun (KS)		X		Ms. Sanchez	X		
Mr. Gibbons		X		Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)		X		Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady			
Mr. Simmons		X		Mr. Hill	X		
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall	X		
Mr. Cole		X		Mr. Meek			
Mr. Bradley		X		Ms. Bordallo	X		
Mr. Bishop		X		Mr. Ryan (OH)	X		
Mr. Turner (OH)		X		Mr. Stenholm	X		
Mr. Kline		X					
Mrs. Miller (MI)		X					
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

Roll Call Vote Total:

25 Aye 32 Nay Present

**COMMITTEE ON ARMED SERVICES  
108TH CONGRESS  
ROLL CALL**

Amendment Number: 17

Date: 09/29/04

Description: To provide greater  
budgetary authority to  
the NID

Offered by: Davis (CA)

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter		X		Mr. Skelton	X		
Mr. Weidon		X		Mr. Spratt	X		
Mr. Hefley		X		Mr. Ortiz			
Mr. Saxton		X		Mr. Evans	X		
Mr. McHugh		X		Mr. Taylor	X		
Mr. Everett		X		Mr. Abercrombie	X		
Mr. Bartlett		X		Mr. Meehan	X		
Mr. McKeon		X		Mr. Reyes	X		
Mr. Thornberry		X		Mr. Snyder	X		
Mr. Hostettler				Mr. Turner (TX)	X		
Mr. Jones		X		Mr. Smith	X		
Mr. Ryun (KS)		X		Ms. Sanchez	X		
Mr. Gibbons		X		Mr. McIntyre	X		
Mr. Hayes		X		Mr. Rodriguez	X		
Mrs. Wilson (NM)		X		Ms. Tauscher	X		
Mr. Calvert		X		Mr. Brady			
Mr. Simmons		X		Mr. Hill	X		
Mrs. Davis (VA)		X		Mr. Larson (CT)	X		
Mr. Schrock		X		Ms. Davis (CA)	X		
Mr. Akin		X		Mr. Langevin	X		
Mr. Forbes		X		Mr. Israel	X		
Mr. Miller (FL)		X		Mr. Larsen (WA)	X		
Mr. Wilson (SC)		X		Mr. Cooper	X		
Mr. LoBiondo		X		Mr. Marshall		X	
Mr. Cole		X		Mr. Meek			
Mr. Bradley		X		Ms. Bordallo	X		
Mr. Bishop		X		Mr. Ryan (OH)	X		
Mr. Turner (OH)		X		Mr. Stenholm	X		
Mr. Kline		X					
Mrs. Miller (MI)		X					
Mr. Gingrey		X					
Mr. Rodgers		X					
Mr. Franks		X					

Roll Call Vote Total:

24 Aye 33 Nay Present

**COMMITTEE ON ARMED SERVICES  
108TH CONGRESS  
ROLL CALL**

**Final Passage of H.R. 10  
as Amended**

**Date: 09/29/04**

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter	X			Mr. Skelton	X		
Mr. Weldon	X			Mr. Spratt	X		
Mr. Hefley	X			Mr. Ortiz	X		
Mr. Saxton	X			Mr. Evans	X		
Mr. McHugh	X			Mr. Taylor	X		
Mr. Everett	X			Mr. Abercrombie	X		
Mr. Bartlett	X			Mr. Meehan	X		
Mr. McKeon	X			Mr. Reyes	X		
Mr. Thornberry	X			Mr. Snyder	X		
Mr. Hostettler	X			Mr. Turner (TX)	X		
Mr. Jones	X			Mr. Smith	X		
Mr. Ryun (KS)	X			Ms. Sanchez	X		
Mr. Gibbons	X			Mr. McIntyre	X		
Mr. Hayes	X			Mr. Rodriguez	X		
Mrs. Wilson (NM)	X			Ms. Tauscher	X		
Mr. Calvert	X			Mr. Brady			
Mr. Simmons	X			Mr. Hill	X		
Mrs. Davis (VA)	X			Mr. Larson (CT)	X		
Mr. Schrock	X			Ms. Davis (CA)	X		
Mr. Akin	X			Mr. Langevin	X		
Mr. Forbes	X			Mr. Israel	X		
Mr. Miller (FL)	X			Mr. Larsen (WA)	X		
Mr. Wilson (SC)	X			Mr. Cooper	X		
Mr. LoBiondo	X			Mr. Marshall	X		
Mr. Cole	X			Mr. Meek			
Mr. Bradley	X			Ms. Bordallo	X		
Mr. Bishop	X			Mr. Ryan (OH)	X		
Mr. Turner (OH)	X			Mr. Stenholm	X		
Mr. Kline	X						
Mrs. Miller (MI)	X						
Mr. Gingrey	X						
Mr. Rodgers	X						
Mr. Franks	X						

**Roll Call Vote Total:**

**59 Aye   0 Nay   Present**

CHANGES IN EXISTING LAW MADE BY THE BILL, AS  
REPORTED

The committee intends to take steps to make available the analysis of changes in existing law made by the bill, as required by clause 3(e) of rule XIII of the Rules of the House of Representatives.

## ADDITIONAL VIEWS

We want to register our objections to the manner in which the Armed Services Committee came to consider H.R. 10, a bill that would reorganize our national intelligence apparatus. We also regret the action taken by the committee during its mark up of this legislation.

How we fix the national intelligence mechanisms that let us down in the attacks of September 11, 2001 deserves careful review. Literally, our national security may depend on what we legislate. Unfortunately, the way in which this bill was put together and is being pushed through the House is not likely to produce a result that will serve the country well over the long term.

The starting point for our concern is our view that our national security should be a bipartisan proposition. Historically, legislation affecting our national security has been undertaken in a bipartisan spirit during consideration in the Armed Services Committee. The recommendations of the 9/11 Commission were both unanimous and bipartisan. Bipartisan bills consistent with the commission's recommendations have been introduced in both chambers.

Unfortunately, the way H.R. 10 was put together marks a dramatic departure from this important tradition. House Democrats were not consulted in the drafting of this bill, but there's no reason we should not have been. We on this side of the aisle are just as committed to a strong national defense, to supporting our troops, and to making sure they have the battlefield intelligence they need as our Republican colleagues. We have useful, constructive ideas about how to reform the intelligence community that could have made this bill better from its inception. It is disappointing to see this bill handled in such a partisan way.

Apart from the writing of the bill, the process that brought us to this point has been deficient. This 542 page bill was introduced last Friday and marked up Wednesday. Because members were back home working in their districts until Tuesday evening, there was precious little time for members to review the bill before it was considered in committee. Moreover, whole titles of this bill fall within the legislative jurisdiction of other committees, such as the International Relations and Homeland Security Committees, but those committees were not permitted to mark up the bill. The members of the House deserve the opportunity to review legislation before they pass judgment, and it is regrettable that they were deprived of such an opportunity in this case.

We also believe that a matter of this importance should not be considered in such a partisan manner in the final days of a heated election cycle, in which everything we do is colored by politics. A more responsible approach would have been to introduce and consider bipartisan legislation in the days following the issuance of the 9/11 Commission report, when election year politics were not as

predominant. In addition, marking up this bill the week before Congress adjourns makes the chances both Houses will pass bills and conference them before the end of the session remote. The timing of the committee's mark up suggests that consideration of this bill was driven by politics, and we believe it is wrong to seek to exploit a subject as important as intelligence reform for political purposes.

The other bills in Congress, at least one of which has been endorsed by the 9/11 commissioners, would have presented the opportunity for the committee, indeed the Congress, to consider intelligence reform issues in the bipartisan fashion that characterized their development. Why didn't we consider one of these bills instead of one created out of whole cloth behind closed doors and on a partisan basis?

Reforming our government's intelligence and other counterterrorism mechanisms is terribly important. There was no reason for the partisanship and cavalier process. We can only hope that our national security will not suffer in the long run as a result.

IKE SKELTON.  
 JOHN SPRATT.  
 SOLOMON P. ORTIZ.  
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