

107TH CONGRESS
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S. 2459

To provide for a terrorist identification classification system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2002

Mr. REID (for Mr. WYDEN (for himself and Mr. GRAHAM)) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To provide for a terrorist identification classification system,
and for other purposes.

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

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The national security of the United States
7 is threatened by the possibility of terrorist attacks
8 against American citizens, military personnel, insti-
9 tutions, landmarks, infrastructure, and industry.

1 (2) The intelligence community is responsible
2 for collecting and disseminating intelligence on
3 known and suspected terrorists, and known and sus-
4 pected international terrorist organizations. This in-
5 formation is vital to United States efforts to prevent
6 terrorist attacks, and capture and mete out justice
7 to those who plan or commit such acts.

8 (3) Previous terrorist attacks against United
9 States interests and the subsequent investigations
10 into these incidents, including the current investiga-
11 tion into the terrorist attacks of September 11,
12 2001, have highlighted deficiencies in how intel-
13 ligence on known or suspected terrorists, and known
14 or suspected terrorist organizations, is stored and
15 retrieved, and in how this information is dissemi-
16 nated to Federal Government agencies, State and
17 local government agencies, and entities of foreign
18 governments and international organizations respon-
19 sible for the prevention of and investigation into ter-
20 rorist attacks.

21 (4) It is essential to the prevention of future
22 terrorist attacks that the agencies and personnel re-
23 sponsible for protecting our citizenry and Nation
24 have appropriate and effective access to the intel-
25 ligence collected on known or suspected terrorists,

1 and known or suspected terrorist organizations, in a
2 timely manner.

3 (b) PURPOSES.—The purpose of this Act are—

4 (1) to provide for establishment and mainte-
5 nance of an interoperable counterterrorism intel-
6 ligence data system to both store and retrieve the
7 identities of and biographic information on known or
8 suspected terrorists, and known or suspected ter-
9 rorist organizations; and

10 (2) to ensure the timely and thorough avail-
11 ability of such information to those responsible for
12 protecting our citizenry and Nation against the
13 threat of terrorism at the Federal, State, and local
14 level.

15 **SEC. 2. TERRORIST IDENTIFICATION CLASSIFICATION SYS-**
16 **TEM.**

17 (a) REQUIREMENT.—(1) The Director of Central In-
18 telligence, acting as head of the Intelligence Community,
19 shall—

20 (A) establish and maintain a list of individuals
21 who are known or suspected international terrorists,
22 and of organizations that are known or suspected
23 international terrorist organizations; and

1 (B) ensure that pertinent information on the
2 list is shared with the departments, agencies, and
3 organizations described by subsection (c).

4 (2) The list under paragraph (1), and the mecha-
5 nisms for sharing information on the list, shall be known
6 as the “Terrorist Identification Classification System”.

7 (b) ADMINISTRATION.—(1) The Director shall pre-
8 scribe requirements for the inclusion of an individual or
9 organization on the list required by subsection (a), and
10 for the omission from the list of an individual or organiza-
11 tion currently on the list.

12 (2) The Director shall ensure that the information
13 utilized to determine the inclusion or omission of an indi-
14 vidual or organization on or from the list is derived from
15 all-source intelligence.

16 (3) The Director shall ensure that the list is main-
17 tained in accordance with existing law and regulations
18 governing the collection, storage, and dissemination of in-
19 telligence concerning United States persons.

20 (c) INFORMATION SHARING.—Subject to section
21 103(c)(6) of the National Security Act of 1947 (50 U.S.C.
22 403–3(c)(6)), relating to the protection of intelligence
23 sources and methods, the Director shall provide for the
24 sharing of the list, and information on the list, with such
25 departments and agencies of the Federal Government,

1 State and local government agencies, and entities of for-
2 eign governments and international organizations as the
3 Director considers appropriate.

4 (d) REPORTING AND CERTIFICATION.—(1) The Di-
5 rector shall review on an annual basis the information pro-
6 vided by various departments and agencies for purposes
7 of the list under subsection (a) in order to determine
8 whether or not the information so provided is derived from
9 the widest possible range of intelligence available to such
10 departments and agencies.

11 (2) The Director shall, as a result of each review
12 under paragraph (1), certify whether or not the elements
13 of the intelligence community responsible for the collection
14 of intelligence related to the list have provided information
15 for purposes of the list that is derived from the widest
16 possible range of intelligence available to such department
17 and agencies.

18 (e) REPORT ON CRITERIA FOR INFORMATION SHAR-
19 ING.—(1) Not later than March 1, 2003, the Director
20 shall submit to the congressional intelligence committees
21 a report describing the criteria used to determine which
22 information on the list required by subsection (a) is to
23 be shared, and which information is not to be shared, with
24 various departments and agencies of the Federal Govern-

1 ment, State and local government agencies, and entities
2 of foreign governments and international organizations.

3 (2) The report shall include a description of the cir-
4 cumstances in which the Director has determined that
5 sharing information on the list with the departments and
6 agencies of the Federal Government, and of State and
7 local governments, described by subsection (c) would be
8 inappropriate due to the concerns addressed by section
9 103(c)(6) of the National Security Act of 1947, relating
10 to the protection of sources and methods, and any instance
11 in which the sharing on information on the list has been
12 inappropriate in light of such concerns.

13 (f) SYSTEM ADMINISTRATION REQUIREMENTS.—(1)
14 The Director shall, to the maximum extent practicable, en-
15 sure the interoperability of the Terrorist Identification
16 Classification System with relevant information systems of
17 the departments and agencies of the Federal Government,
18 and of State and local governments, described by sub-
19 section (c).

20 (2) The Director shall ensure that the System utilizes
21 technologies that are effective in aiding the identification
22 of individuals in the field.

23 (g) REPORT ON STATUS OF SYSTEM.—(1) Not later
24 than one year after the date of the enactment of this Act,
25 the Director of Homeland Security in consultation with

1 the Director of Central Intelligence, shall submit to the
2 congressional intelligence committees a report on the sta-
3 tus of the Terrorist Identification Classification System.

4 The report shall contain a certification on the following:

5 (A) Whether or not the System contains the in-
6 telligence information necessary to facilitate the con-
7 tribution of the System to the domestic security of
8 the United States.

9 (B) Whether or not the departments and agen-
10 cies having access to the System have access in a
11 manner that permits such departments and agencies
12 to carry out appropriately their domestic security re-
13 sponsibilities.

14 (C) Whether or not the System is operating in
15 a manner that maximizes its contribution to the do-
16 mestic security of the United States.

17 (D) If a certification under subparagraph (A),
18 (B), or (C) is in the negative, the modifications or
19 enhancements of the System necessary to ensure a
20 future certification in the positive.

21 (2) The report shall be submitted in unclassified
22 form, but may include a classified annex.

23 (h) CONGRESSIONAL INTELLIGENCE COMMITTEES
24 DEFINED.—In this section, the term “congressional intel-
25 ligence committees” means—

- 1 (1) the Select Committee on Intelligence of the
- 2 Senate; and
- 3 (2) the Permanent Select Committee on Intel-
- 4 ligence of the House of Representatives.

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