

108TH CONGRESS
2D SESSION

H. R. 5024

To implement the recommendations of the National Commission on Terrorist Attacks on the United States by establishing the position of National Intelligence Director, by establishing a National Counterterrorism Center, by making other improvements to enhance the national security of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2004

Ms. PELOSI (for herself, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. SPRATT, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. MATSUI, Ms. HARMAN, Mr. SKELTON, Mr. TURNER of Texas, Mr. LANTOS, Mr. LARSON of Connecticut, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. OBERSTAR, Mr. RANGEL, Mr. EVANS, Mr. RAHALL, Mr. WAXMAN, Mrs. LOWEY, Mr. GEPHARDT, Mr. THOMPSON of California, Mr. NADLER, Mr. SCHIFF, Mr. MCGOVERN, Mr. MARKEY, Mr. BISHOP of Georgia, Mrs. TAUSCHER, Mr. COOPER, Mr. BACA, Mr. TIERNEY, Mr. HOFFEL, Mr. KENNEDY of Rhode Island, Mr. CARDOZA, Mr. THOMPSON of Mississippi, Mr. ABERCROMBIE, Mr. ANDREWS, Mrs. JONES of Ohio, Mr. ORTIZ, Ms. ESHOO, Mr. HOLT, Ms. MCCARTHY of Missouri, Mr. BERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ISRAEL, Mr. REYES, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. HILL, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. MARSHALL, Mr. STUPAK, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. WATSON, Mr. WEINER, Mr. STARK, Mr. FATTAH, Mr. PALLONE, Mr. BLUMENAUER, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. EMANUEL, Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. HASTINGS of Florida, Mr. SMITH of Washington, Mr. SERRANO, Mr. LAMPSON, Mr. ACKERMAN, Mr. ENGEL, Mr. CROWLEY, Mr. HINCHEY, Mr. LANGEVIN, Mrs. CHRISTENSEN, Mr. BUTTERFIELD, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. ROTHMAN, Mr. PAYNE, Ms. BORDALLO, Mrs. MALONEY, Mr. MEEK of Florida, Mr. MEEHAN, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. UDALL of New Mexico, Mr. NEAL of Massachusetts, Mr. STRICKLAND, Ms. BALDWIN, Mr. BECERRA, Mr. ALLEN, Mr. PASCRELL, Mr. DOOLEY of California, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. FARR, Mr. LYNCH, Mr. PETERSON of Minnesota, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. BAIRD, Mr. ACEVEDO-VILÁ, Ms. WATERS, Mr. JACKSON of Illinois, Mr. SHERMAN, and Mr. JEFFERSON) introduced the following bill; which was referred to the Select Committee on Intelligence

(Permanent Select), and in addition to the Committees on Armed Services, International Relations, Ways and Means, Financial Services, the Judiciary, Transportation and Infrastructure, Government Reform, Energy and Commerce, Science, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To implement the recommendations of the National Commission on Terrorist Attacks on the United States by establishing the position of National Intelligence Director, by establishing a National Counterterrorism Center, by making other improvements to enhance the national security of the United States, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the “9/
 5 11 Commission Recommendations Implementation Act of
 6 2004”.

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

Sec. 1. Short title; table of contents.

TITLE I—UNITY OF EFFORT IN THE INTELLIGENCE COMMUNITY

Subtitle A—National Intelligence Director

Sec. 101. Establishment of the National Intelligence Director.

Sec. 102. Duties of the National Intelligence Director.

Sec. 103. Management of the national intelligence program.

Sec. 104. Authority of the National Intelligence Director over matters relating
to budget.

Sec. 105. Authority of the National Intelligence Director over matters relating
to personnel.

- Sec. 106. Additional authorities.
- Sec. 107. Resolution of agency priority differences.
- Sec. 108. Definitions.

Subtitle B—Improvements for the Central Intelligence Agency

- Sec. 111. Improvement of analysis and collection of foreign intelligence.
- Sec. 112. Direction of clandestine or covert paramilitary operations by the Department of Defense.

TITLE II—UNITY OF EFFORT ACROSS THE FOREIGN-DOMESTIC DIVIDE

- Sec. 201. National Counterterrorism Center.
- Sec. 202. Head of the National Counterterrorism Center.
- Sec. 203. Duties.
- Sec. 204. Distinct intelligence function.
- Sec. 205. Operations.
- Sec. 206. Prohibition on policymaking.

TITLE III—ATTACK TERRORISTS AND THEIR ORGANIZATIONS AND PREVENT THE CONTINUED GROWTH OF ISLAMIST TERRORISM

Subtitle A—Attack Terrorists and Their Organizations

- Sec. 301. Identification and prioritization of terrorist sanctuaries throughout the world.
- Sec. 302. Assistance to support efforts of the Government of Pakistan to fight extremists.
- Sec. 303. Assistance to achieve security and stability in Afghanistan.
- Sec. 304. Declaration of policy relating to relations between the United States and Saudi Arabia.

Subtitle B—Prevent the Continued Growth of Islamist Terrorism

- Sec. 311. Programs to enhance a positive image of the United States in Muslim countries.
- Sec. 312. Sense of Congress relating to relations with governments of Muslim countries that violate human rights and the rule of law.
- Sec. 313. United States information and educational and cultural exchange programs in Muslim countries.
- Sec. 314. International Youth Opportunity Fund.
- Sec. 315. Economic policies to encourage development, more open societies, and opportunities in Muslim countries.
- Sec. 316. Comprehensive coalition strategy against Islamist terrorism.
- Sec. 317. New principles for detention and humane treatment of captured terrorists.

Subtitle C—Additional Counterterrorism Efforts

- Sec. 321. Prevention of proliferation of weapons of mass destruction.
- Sec. 322. Tracking terrorist financing.

TITLE IV—PROTECTION AGAINST AND PREPARATION FOR TERRORIST ATTACKS

- Sec. 401. Integration of border security system with other screening sites.

- Sec. 402. Biometric entry-exit screening system.
- Sec. 403. Sense of Congress regarding international cooperation regarding border crossings.
- Sec. 404. Securing identification documents.
- Sec. 405. Targeting terrorist travel.
- Sec. 406. Allocation of limited transportation security resources.
- Sec. 407. Aviation screening.
- Sec. 408. Enhanced explosives detection.

TITLE V—INFORMATION SHARING AND PROTECTION OF CIVIL LIBERTIES

- Sec. 501. Information sharing.
- Sec. 502. Board to oversee adherence to civil liberties principles.

TITLE VI—SETTING PRIORITIES FOR NATIONAL PREPAREDNESS

- Sec. 601. Homeland Security Assistance.
- Sec. 602. Regulations requiring adoption of Incident Command System and unified command procedures.
- Sec. 603. Federal Communications Commission requirements.
- Sec. 604. Private Sector Emergency Preparedness.

TITLE VII—UNITY OF EFFORT IN SHARING INFORMATION

- Sec. 701. Unity of effort in sharing information.

TITLE VIII—UNITY OF EFFORT IN CONGRESS

- Sec. 801. Appropriations for intelligence.
- Sec. 802. Establishment of either a Joint Committee on Intelligence or a standing Committee on Intelligence in each House of Congress.
- Sec. 803. Oversight of homeland security.
- Sec. 804. Executive appointments.

TITLE IX—ORGANIZING AMERICA'S DEFENSE IN THE UNITED STATES

- Sec. 901. Establishment of a specialized and integrated national security workforce at the Federal Bureau of Investigation.
- Sec. 902. Regular readiness assessments.

1 **TITLE I—UNITY OF EFFORT IN**
2 **THE INTELLIGENCE COMMU-**
3 **NITY**

4 **Subtitle A—National Intelligence**
5 **Director**

6 **SEC. 101. ESTABLISHMENT OF THE NATIONAL INTEL-**
7 **LIGENCE DIRECTOR.**

8 (a) ESTABLISHMENT.—There is in the Executive Of-
9 fice of the President a National Intelligence Director.

10 (b) PRINCIPAL ADVISOR TO THE PRESIDENT ON IN-
11 TELLIGENCE MATTERS.—The National Intelligence Direc-
12 tor shall act as the principal adviser to the President for
13 intelligence matters related to the national security.

14 (c) APPOINTMENT.—The National Intelligence Direc-
15 tor shall be appointed by the President, by and with the
16 advice and consent of the Senate.

17 (d) TESTIMONY TO CONGRESS.—The National Intel-
18 ligence Director shall testify before Congress.

19 **SEC. 102. DUTIES OF THE NATIONAL INTELLIGENCE DIREC-**
20 **TOR.**

21 Notwithstanding any other provision of law, the Na-
22 tional Intelligence Director shall carry out the following
23 duties:

24 (1) Manage the national intelligence program.

25 (2) Oversee national intelligence centers.

1 (3) Oversee the national intelligence agencies.

2 (4) Support the President, the heads of depart-
3 ments and agencies of the executive branch, the
4 Chairman of the Joint Chiefs of Staff, and senior
5 military commanders.

6 (5) Establish information sharing and informa-
7 tion technology policies to maximize data sharing, as
8 well as policies to protect the security of informa-
9 tion.

10 (6) Such other duties as the President may pre-
11 scribe.

12 **SEC. 103. MANAGEMENT OF THE NATIONAL INTELLIGENCE**
13 **PROGRAM.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law, the National Intelligence Director shall man-
16 age the national intelligence program with the following
17 three deputies:

18 (1) The Director of the Central Intelligence
19 Agency, with respect to foreign intelligence.

20 (2) The Under Secretary of Defense for Intel-
21 ligence, with respect to military intelligence.

22 (3) The Under Secretary of Homeland Security
23 for Information Analysis and Infrastructure Protec-
24 tion, with respect to domestic intelligence.

1 (b) DUTIES WITH RESPECT TO NATIONAL INTEL-
2 LIGENCE CENTER OPERATIONS.—Each official specified
3 in subsection (a), within the respective area of intelligence,
4 shall acquire systems and train personnel to execute the
5 operations assigned to the official.

6 (c) COORDINATION OF AGENCIES OF THE INTEL-
7 LIGENCE COMMUNITY.—Each national intelligence agency
8 shall coordinate functions of the agency with the appro-
9 priate area of intelligence specified in subsection (a).

10 (d) NATIONAL INTELLIGENCE CENTER REPORTING
11 REQUIREMENT.—Directors of national intelligence centers
12 shall report directly to the National Intelligence Director.

13 (e) CONSTRUCTION.—Nothing in this Act shall be
14 construed as modifying the authority or duty of the Sec-
15 retary of Defense to carry out the Joint Military Intel-
16 ligence Program and the Tactical Intelligence and Related
17 Activities Program.

18 **SEC. 104. AUTHORITY OF THE NATIONAL INTELLIGENCE DI-**
19 **RECTOR OVER MATTERS RELATING TO**
20 **BUDGET.**

21 Notwithstanding any other provision of law, the Na-
22 tional Intelligence Director shall have the following au-
23 thorities over matters relating to the budget of the na-
24 tional intelligence program:

1 (1) DEVELOPMENT OF UNIFIED INTELLIGENCE
2 BUDGET.—The National Intelligence Director shall
3 prepare annual unified budgets for the national in-
4 telligence program for inclusion in the budget sub-
5 mission of the President under title 31, United
6 States Code, that reflect—

7 (A) priorities of the National Security
8 Council, and

9 (B) an appropriate balance among the va-
10 rieties of technical and human intelligence col-
11 lection methods and analysis.

12 (2) APPROPRIATIONS.—Appropriations for any
13 fiscal year for the national intelligence program shall
14 be made to the National Intelligence Director. The
15 National Intelligence Director shall provide for the
16 allocation of amounts so appropriated among the na-
17 tional intelligence agencies.

18 (3) REPROGRAMMING.—The National Intel-
19 ligence Director may reprogram funds appropriated
20 for the national intelligence program to meet any
21 unforeseen priority.

1 **SEC. 105. AUTHORITY OF THE NATIONAL INTELLIGENCE DI-**
2 **RECTOR OVER MATTERS RELATING TO PER-**
3 **SONNEL.**

4 Notwithstanding any other provision of law, the Na-
5 tional Intelligence Director shall have the following au-
6 thorities and duties with respect to matters relating to the
7 personnel of national intelligence agencies.

8 (1) PERSONNEL POLICIES.—The National In-
9 telligence Director shall put into effect personnel
10 policies to establish standards for education and
11 training of officers and employees of national intel-
12 ligence agencies and to facilitate assignments of
13 those officers and employees at national intelligence
14 centers and across national intelligence agencies.

15 (2) EMPLOYMENT AND TERMINATION AUTHOR-
16 ITY.—The National Intelligence Director may em-
17 ploy such individuals in senior positions within the
18 national intelligence program as the Director deter-
19 mines to be appropriate. The National Intelligence
20 Director may terminate the employment of any sen-
21 ior officer or employee of a national intelligence
22 agency whenever the Director deems such termi-
23 nation necessary or advisable in the interests of the
24 United States.

25 (3) APPOINTMENT OF OFFICIALS RESPONSIBLE
26 FOR INTELLIGENCE-RELATED ACTIVITIES.—(A) In

1 the event of a vacancy in a position referred to in
2 subparagraph (B), the National Intelligence Director
3 shall approve and recommend to the President indi-
4 viduals to fill the following positions.

5 (B) Subparagraph (A) applies to the following
6 positions:

7 (i) The Director of the Central Intelligence
8 Agency.

9 (ii) The Under Secretary of Defense for
10 Intelligence.

11 (iii) The Director of the Defense Intel-
12 ligence Agency.

13 (iv) The Director of the National Security
14 Agency.

15 (v) The Director of the National Recon-
16 naissance Office.

17 (vi) The Director of the National
18 Geospatial-Intelligence Agency.

19 (vii) The Under Secretary for Information
20 Analysis and Infrastructure Protection of the
21 Department of Homeland Security.

22 (viii) The Executive Assistant Director for
23 Intelligence of the Federal Bureau of Investiga-
24 tion.

1 (ix) The head of any other entity with na-
2 tional intelligence capabilities.

3 **SEC. 106. ADDITIONAL AUTHORITIES.**

4 (a) IN GENERAL.—The National Intelligence Direc-
5 tor shall have the authority vested in the Director of Cen-
6 tral Intelligence in the National Security Act of 1947 (50
7 U.S.C. 401 et seq.) in the capacity of the Director of Cen-
8 tral Intelligence as the head of the intelligence community.

9 (b) REFERENCES.—Any reference to the Director of
10 Central Intelligence as the head of the intelligence commu-
11 nity, or as the principal advisor to the President for intel-
12 ligence matters related to the national security, in the Na-
13 tional Security Act of 1947 (50 U.S.C. 401 et seq.) is
14 deemed a reference to the National Intelligence Director.

15 **SEC. 107. RESOLUTION OF AGENCY PRIORITY DIF-**
16 **FERENCES.**

17 (a) ESTABLISHMENT OF NSC EXECUTIVE COM-
18 MITTEE.—There is established in the National Security
19 Council an executive committee for the resolution of dif-
20 ferences in priorities among national intelligence agencies.
21 Insofar as the executive committee is unable to resolve a
22 priority difference, the President shall resolve the priority
23 difference.

24 (b) MEMBERSHIP OF THE NATIONAL INTELLIGENCE
25 DIRECTOR.—The National Intelligence Director shall be

1 a member of the executive committee established under
2 subsection (a).

3 **SEC. 108. DEFINITIONS.**

4 In this subtitle:

5 (1) NATIONAL INTELLIGENCE PROGRAM.—The
6 term “national intelligence program” means a pro-
7 gram of foreign, military, and domestic intelligence
8 related to the national security under the oversight
9 of the National Intelligence Director.

10 (2) NATIONAL INTELLIGENCE CENTER.—The
11 term “national intelligence center” means a center
12 established by the National Intelligence Director to
13 provide all-source analysis and plan intelligence op-
14 erations for the Federal government on specific sub-
15 jects of interest, such as counterterrorism,
16 counterproliferation, counternarcotics, and counter-
17 intelligence.

18 **Subtitle B—Improvements for the**
19 **Central Intelligence Agency**

20 **SEC. 111. IMPROVEMENT OF ANALYSIS AND COLLECTION**
21 **OF FOREIGN INTELLIGENCE.**

22 The Director of the Central Intelligence Agency
23 shall—

24 (1) rebuild the analytic capabilities of the Cen-
25 tral Intelligence Agency;

1 (2) transform the clandestine service by build-
2 ing the human intelligence capabilities of the clan-
3 destine service;

4 (3) develop a stronger foreign language pro-
5 gram, with high standards and sufficient financial
6 incentives;

7 (4) renew emphasis on recruiting diversity
8 among operations officers so those officers may
9 blend more easily in foreign cities;

10 (5) ensure a seamless relationship between
11 human source collection and signals collection at the
12 operational level; and

13 (6) stress a better balance between unilateral
14 and liaison operations.

15 **SEC. 112. DIRECTION OF CLANDESTINE OR COVERT PARA-**
16 **MILITARY OPERATIONS BY THE DEPART-**
17 **MENT OF DEFENSE.**

18 (a) IN GENERAL.—The Secretary of Defense shall
19 have lead responsibility for directing and executing para-
20 military operations, whether clandestine or covert.

21 (b) CONSOLIDATION WITH USSOCOM.—The Sec-
22 retary shall consolidate responsibility within the Depart-
23 ment of Defense for clandestine or covert paramilitary op-
24 erations with the capabilities for training, direction, and

1 execution of such operations developed in the United
2 States Special Operations Command.

3 **TITLE II—UNITY OF EFFORT**
4 **ACROSS THE FOREIGN-DO-**
5 **MESTIC DIVIDE**

6 **SEC. 201. NATIONAL COUNTERTERRORISM CENTER.**

7 (a) ESTABLISHMENT.—There is established a Na-
8 tional Counterterrorism Center built on the foundation of
9 the Terrorist Threat Integration Center.

10 (b) MISSION.—The National Counterterrorism Cen-
11 ter shall be a center for joint operational planning and
12 joint intelligence against transnational terrorist organiza-
13 tions.

14 (c) PERSONNEL.—The National Counterterrorism
15 Center shall be staffed by personnel from the various
16 agencies. The head of the National Counterterrorism Cen-
17 ter may evaluate the performance of the personnel as-
18 signed to the Center.

19 **SEC. 202. HEAD OF THE NATIONAL COUNTERTERRORISM**
20 **CENTER.**

21 (a) APPOINTMENT.—The head of the National
22 Counterterrorism Center shall be appointed by the Presi-
23 dent, by and with the advice and consent of the Senate,
24 and shall be placed in the Executive Office of the Presi-
25 dent.

1 (b) RANK.—The head of the National
2 Counterterrorism Center shall be equivalent in rank to a
3 deputy head of a cabinet department.

4 (c) RELATIONSHIP TO NATIONAL INTELLIGENCE DI-
5 RECTOR.—The head of the National Counterterrorism
6 Center shall report to the National Intelligence Director.

7 (d) TESTIMONY TO CONGRESS.—The head of the Na-
8 tional Counterterrorism Center shall testify before Con-
9 gress.

10 (e) CONCURRENCE IN CERTAIN APPOINTMENTS.—
11 The head of the National Counterterrorism Center shall
12 concur in the choices of personnel to lead the operating
13 entities of the agencies and departments of the United
14 States focused on counterterrorism, specifically includ-
15 ing—

16 (1) the head of the Counterterrorist Center of
17 the Central Intelligence Agency,

18 (2) the head of the Counterterrorism Division
19 of the Federal Bureau of Investigation,

20 (3) the commanders of the Special Operations
21 Command and Northern Command of the Depart-
22 ment of Defense, and

23 (4) the coordinator for counterterrorism of the
24 Department of State.

1 (f) DEVELOPMENT OF COUNTERTERRORISM BUDG-
2 ET.—The head of the National Counterterrorism Center
3 shall work with the Director of the Office of Management
4 and Budget in developing the counterterrorism budget of
5 the President.

6 **SEC. 203. DUTIES.**

7 (a) LEAD AGENCY FOR TRANSNATIONAL TERRORIST
8 ANALYSIS.—The National Counterterrorism Center shall
9 lead strategic analysis, pooling all-source intelligence, for-
10 eign and domestic, about transnational terrorist organiza-
11 tions with global reach.

12 (b) ASSESSMENTS.—Drawing on the efforts of the
13 Central Intelligence Agency, the Federal Bureau of Inves-
14 tigation, the Department of Homeland Security, and other
15 agencies and departments of the United States, the Na-
16 tional Counterterrorism Center shall develop net assess-
17 ments that compare enemy capabilities and intentions
18 against defenses and countermeasures of the United
19 States.

20 (c) WARNING.—The National Counterterrorism Cen-
21 ter shall provide warning.

22 (d) TASKING OF COLLECTION REQUIREMENTS.—The
23 National Counterterrorism Center shall task collection re-
24 quirements for counterterrorism both inside and outside
25 the United States.

1 **SEC. 204. DISTINCT INTELLIGENCE FUNCTION.**

2 Building on the structure of the Terrorist Threat In-
3 tegration Center, the intelligence function of the National
4 Counterterrorism Center shall be a distinct national intel-
5 ligence center within the National Counterterrorism Cen-
6 ter.

7 **SEC. 205. OPERATIONS.**

8 (a) JOINT PLANNING.—The National
9 Counterterrorism Center shall perform joint planning.
10 Plans developed by the National Counterterrorism Center
11 shall assign operational responsibilities to lead agencies,
12 such as the Department of State, the Central Intelligence
13 Agency, the Federal Bureau of Investigation, the Depart-
14 ment of Defense and its combatant commands, the De-
15 partment of Homeland Security, and other agencies and
16 departments of the United States.

17 (b) MONITORING AND UPDATING OF PLANS.—The
18 National Counterterrorism Center may not direct the ac-
19 tual execution of operational responsibilities assigned to
20 agencies under subsection (a). The National
21 Counterterrorism Center shall—

- 22 (1) monitor implementation of the operations;
23 (2) look across the foreign-domestic divide and
24 across agency boundaries; and
25 (3) update plans to follow through on cases.

1 **SEC. 206. PROHIBITION ON POLICYMAKING.**

2 (a) IN GENERAL.—The National Counterterrorism
3 Center shall not—

4 (1) be a policymaking body; nor

5 (2) resolve policy disputes among agencies and
6 departments of the United States.

7 (b) EXECUTION OF THE POLICY OF THE PRESI-
8 DENT.—The operations and planning of the National
9 Counterterrorism Center shall follow the policy direction
10 of the president and the National Security Council.

11 **TITLE III—ATTACK TERRORISTS**
12 **AND THEIR ORGANIZATIONS**
13 **AND PREVENT THE CONTIN-**
14 **UED GROWTH OF ISLAMIST**
15 **TERRORISM**

16 **Subtitle A—Attack Terrorists and**
17 **Their Organizations**

18 **SEC. 301. IDENTIFICATION AND PRIORITIZATION OF TER-**
19 **RORIST SANCTUARIES THROUGHOUT THE**
20 **WORLD.**

21 (a) IDENTIFICATION AND PRIORITIZATION.—The
22 President shall direct the head of each appropriate Fed-
23 eral department or agency to identify and prioritize actual
24 or potential terrorist sanctuaries throughout the world.

25 (b) STRATEGY.—With respect to each terrorist sanc-
26 tuary identified pursuant to subsection (a), the President

1 shall ensure that a realistic national strategy is established
2 to destabilize the sanctuary to the maximum extent pos-
3 sible. Each such strategy shall be developed in consulta-
4 tion and coordination with friendly foreign countries and
5 international organizations.

6 **SEC. 302. ASSISTANCE TO SUPPORT EFFORTS OF THE GOV-**
7 **ERNMENT OF PAKISTAN TO FIGHT EXTREM-**
8 **ISTS.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that, if President Pervez Musharraf and other lead-
11 ers of Pakistan remain willing to make their own difficult
12 choices and stand for enlightened moderation in a fight
13 for their lives and for the life of their country, the United
14 States should be willing to make hard choices too, and
15 make the difficult long-term commitment to the future of
16 Pakistan.

17 (b) ASSISTANCE.—The President is authorized to
18 provide assistance, on such terms and conditions as the
19 President may determine, to support the Government of
20 Pakistan in its struggle against extremists. The President
21 shall ensure that assistance provided under this subsection
22 is part of a comprehensive effort by the United States to
23 provide increased military assistance and economic and
24 development assistance (including assistance for education
25 reform) in Pakistan.

1 **SEC. 303. ASSISTANCE TO ACHIEVE SECURITY AND STA-**
2 **BILITY IN AFGHANISTAN.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the United States Government should be
6 commended for its efforts to date in Afghanistan;

7 (2) the United States and the international
8 community should make a long-term commitment to
9 achieve security and stability in Afghanistan in order
10 to give the Government of Afghanistan a reasonable
11 opportunity to improve the life of the Afghan people;
12 and

13 (3) Afghanistan should not be allowed to be-
14 come a sanctuary again for international crime and
15 terrorism.

16 (b) ASSISTANCE.—The President is authorized to
17 provide assistance, on such terms and conditions as the
18 President may determine, to the Government of Afghani-
19 stan to allow that Government to extend its authority over
20 the country. In providing assistance under this subsection,
21 the President shall coordinate with foreign countries and
22 international organizations, including by seeking to estab-
23 lish a strategy and country-by-country commitments to
24 achieve the objectives for which the assistance is provided.

1 **SEC. 304. DECLARATION OF POLICY RELATING TO RELA-**
2 **TIONS BETWEEN THE UNITED STATES AND**
3 **SAUDI ARABIA.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the current problems in the relationship be-
7 tween the United States and Saudi Arabia should be
8 confronted in an open and transparent manner; and

9 (2) the United States and Saudi Arabia should
10 work together to determine if they can build a rela-
11 tionship that political leaders in both countries are
12 prepared to publicly defend and that is based on mu-
13 tual interests other than the oil production capability
14 of Saudi Arabia.

15 (b) DECLARATION OF POLICY.—It shall be the policy
16 of the United States Government to ensure that the rela-
17 tionship between the United States and Saudi Arabia in-
18 cludes a shared commitment to political and economic re-
19 form in Saudi Arabia and a shared interest in greater tol-
20 erance and cultural respect in Saudi Arabia, translating
21 into a commitment by the Government of Saudi Arabia
22 to fight violent extremists who foment hatred.

1 **Subtitle B—Prevent the Continued**
2 **Growth of Islamist Terrorism**

3 **SEC. 311. PROGRAMS TO ENHANCE A POSITIVE IMAGE OF**
4 **THE UNITED STATES IN MUSLIM COUNTRIES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) opinions of the United States in Muslim
7 countries are significantly distorted by highly nega-
8 tive and hostile beliefs and images and many of
9 these beliefs and images are the result of misin-
10 formation and propaganda by individuals and orga-
11 nizations hostile to the United States;

12 (2) these negative opinions and images are
13 highly prejudicial to the interests of the United
14 States and to its foreign policy; and

15 (3) as part of a broad and long-term effort to
16 enhance a positive image of the United States in
17 Muslim countries, programs should be established to
18 promote greater familiarity with American society
19 and values among the general public and select audi-
20 ences in Muslim countries.

21 (b) PROGRAMS.—The Secretary of State shall estab-
22 lish programs to promote greater familiarity with Amer-
23 ican society and values among the general public and se-
24 lect audiences in Muslim countries. In carrying out such
25 programs, the Secretary of State shall ensure that the

1 United States Government presents a clearly defined mes-
2 sage to the people of these countries, offers an example
3 of moral leadership in the world, commits to treat people
4 humanely, abides by the rule of law, and is generous and
5 caring to our neighbors.

6 **SEC. 312. SENSE OF CONGRESS RELATING TO RELATIONS**
7 **WITH GOVERNMENTS OF MUSLIM COUNTRIES**
8 **THAT VIOLATE HUMAN RIGHTS AND THE**
9 **RULE OF LAW.**

10 It is the sense of Congress that the United States
11 Government—

12 (1) should reevaluate its relationship with the
13 governments of Muslim countries, including such
14 governments that are friends or allies of the United
15 States, if those governments violate or otherwise do
16 not respect internationally recognized human rights
17 or the rule of law; and

18 (2) should consider taking appropriate meas-
19 ures against governments described in paragraph
20 (1), including by withdrawing diplomatic relations
21 with such governments.

22 **SEC. 313. UNITED STATES INFORMATION AND EDU-**
23 **CATIONAL AND CULTURAL EXCHANGE PRO-**
24 **GRAMS IN MUSLIM COUNTRIES.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) As in the Cold War, the United States
2 needs to defend its ideals abroad vigorously. Often,
3 the United States does not stand up for its values.

4 (2) The United States defended, and still de-
5 fends, Muslims against tyrants and criminals in So-
6 malia, Bosnia and Herzegovina, Kosovo, Afghani-
7 stan, and Iraq.

8 (3) If the United States does not act aggres-
9 sively to define itself in Muslim countries, extremists
10 will gladly do the job for us.

11 (b) BROADCASTING TO MUSLIM COUNTRIES.—There
12 are authorized to be appropriated to carry out United
13 States Government radio, television, and other commu-
14 nications activities to Muslim countries under the United
15 States International Broadcasting Act of 1994 (22 U.S.C.
16 6201 et seq.) and other authorities in law consistent with
17 such purposes, including to make and supervise grants to
18 the Middle East Television Network, including Radio
19 Sawa, such sums as may be necessary for fiscal year 2005
20 and each subsequent fiscal year.

21 (c) INFORMATION AND EDUCATIONAL AND CUL-
22 TURAL EXCHANGE PROGRAMS.—It is the sense of Con-
23 gress that—

24 (1) United States Government information and
25 educational and cultural exchange programs should

1 be expanded to emphasize and give priority to young
2 people in Muslim countries; and

3 (2) projects and activities carried out under
4 programs described in paragraph (1) should be iden-
5 tified as assistance from the people of the United
6 States.

7 **SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.**

8 Congress strongly urges the President to seek the ne-
9 gotiation of international agreements (or other appro-
10 priate arrangements) to support the establishment of an
11 International Youth Opportunity Fund in order to estab-
12 lish and operate primary and secondary schools in Muslim
13 countries that commit to sensibly investing their own
14 funds in public education.

15 **SEC. 315. ECONOMIC POLICIES TO ENCOURAGE DEVELOP-**
16 **MENT, MORE OPEN SOCIETIES, AND OPPOR-**
17 **TUNITIES IN MUSLIM COUNTRIES.**

18 It is the sense of Congress that a comprehensive
19 United States strategy to counter terrorism should include
20 economic policies that encourage development, more open
21 societies, and opportunities for people to improve the lives
22 of their families and to enhance prospects for their chil-
23 dren's future in Muslim countries. Such economic policies
24 should include the goal of working toward a Middle East
25 Free Trade Area, or MEFTA, by 2013.

1 **SEC. 316. COMPREHENSIVE COALITION STRATEGY AGAINST**
2 **ISLAMIST TERRORISM.**

3 Congress strongly urges the President to work with
4 friendly foreign countries and international organizations,
5 such as members of the North Atlantic Treaty Organiza-
6 tion (NATO) and the Group of Eight (G–8), to develop
7 a comprehensive coalition strategy against Islamist ter-
8 rorism. Such a strategy should include the establishment
9 of a flexible contact group of leading coalition governments
10 to discuss and coordinate the most important policies with
11 respect to the coalition strategy, including policies for tar-
12 geting travel by terrorists and their sanctuaries.

13 **SEC. 317. NEW PRINCIPLES FOR DETENTION AND HUMANE**
14 **TREATMENT OF CAPTURED TERRORISTS.**

15 The President shall work with friendly foreign coun-
16 tries and international organizations to develop a new set
17 of principles for the detention and humane treatment of
18 captured terrorists. Such principles should be modeled on
19 Article 3 of the Convention Relative to the Treatment of
20 Prisoners of War, done at Geneva August 12, 1949 (6
21 UST 3316).

Subtitle C—Additional Counterterrorism Efforts

SEC. 321. PREVENTION OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.

The President shall take such actions as are necessary to strengthen counterproliferation efforts, expand the Proliferation Security Initiative (announced by the President in May 2003), and support Cooperative Threat Reduction programs. In this section, the term “Cooperative Threat Reduction programs” means programs specified in section 1501(b) of the National Defense Authorization Act of Fiscal year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

SEC. 322. TRACKING TERRORIST FINANCING.

The President, acting through the Secretary of the Treasury, the Attorney General, the Secretary of Homeland Security, the Secretary of State, the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), and other appropriate Federal officers, shall continue to take such actions as may be necessary and appropriate to ensure that vigorous efforts continue to track the financing of terrorist organizations and prevent money laundering for the benefit of terrorist organizations, including enforcement of requirements for record-keeping, identification of customers, and reporting of sus-

1 picious activities by financial institutions, under any rel-
2 evant provision of Federal law, including the International
3 Money Laundering Abatement and Financial Anti-Ter-
4 rorism Act of 2001 and the amendments made by such
5 Act.

6 **TITLE IV—PROTECTION**
7 **AGAINST AND PREPARATION**
8 **FOR TERRORIST ATTACKS**

9 **SEC. 401. INTEGRATION OF BORDER SECURITY SYSTEM**
10 **WITH OTHER SCREENING SITES.**

11 (a) IN GENERAL.—The President shall—

12 (1) direct the Secretary of Homeland Security
13 to lead an effort within the executive branch to inte-
14 grate the border security systems of the United
15 States into a larger network of Federal security
16 screening sites that includes sites within the trans-
17 portation system of the United States and sites con-
18 taining vital national facilities, such as nuclear reac-
19 tors; and

20 (2) assure that such effort should assess secu-
21 rity goals applicable to Federal security screening
22 sites throughout the United States, should address
23 security problems common to all such sites, and
24 should set uniform standards to be applied to all

1 such sites, guaranteeing a balance of security, effi-
2 ciency, and civil liberties interests.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that extending the standards developed for the
5 United States pursuant to subsection (a)(2) to foreign
6 countries could dramatically strengthen the world’s collec-
7 tive ability to intercept individuals who pose catastrophic
8 threats.

9 **SEC. 402. BIOMETRIC ENTRY-EXIT SCREENING SYSTEM.**

10 The Secretary of Homeland Security shall complete,
11 as quickly as possible after the date of the enactment of
12 this Act, a biometric entry and exit screening system for
13 persons entering and departing the United States, includ-
14 ing a single system for expedited biometric screening of
15 pre-qualified travelers. Such system should be integrated
16 with the system used to determine whether an alien who
17 is not lawfully admitted for permanent residence should
18 be granted an extension of the alien’s period of authorized
19 stay in the United States.

20 **SEC. 403. SENSE OF CONGRESS REGARDING INTER-**
21 **NATIONAL COOPERATION REGARDING BOR-**
22 **DER CROSSINGS.**

23 It is the sense of the Congress that the Federal Gov-
24 ernment—

1 (1) cannot meet its obligation to the people of
2 the United States to prevent the entry of terrorists
3 into the United States without collaborating with
4 foreign governments;

5 (2) should do more to exchange information
6 about terrorists with our trusted foreign allies; and

7 (3) should do more to raise the border security
8 standards of the United States, and global border
9 security standards, through international coopera-
10 tion.

11 **SEC. 404. SECURING IDENTIFICATION DOCUMENTS.**

12 The President shall submit to Congress a proposal
13 to establish standards for the issuance of birth certificates
14 and identification documents, such as drivers' licenses, so
15 that they may be made more secure and less susceptible
16 to forgery and fraudulent alteration.

17 **SEC. 405. TARGETING TERRORIST TRAVEL.**

18 The President shall submit to Congress a proposal
19 to combine terrorist travel intelligence, operations, and law
20 enforcement in a strategy to intercept terrorists, find ter-
21 rorist travel facilitators, and constrain terrorist mobility.

1 **SEC. 406. ALLOCATION OF LIMITED TRANSPORTATION SE-**
2 **CURITY RESOURCES.**

3 (a) PLAN FOR ALLOCATION OF TRANSPORTATION
4 RESOURCES.—The Secretary of Homeland Security shall
5 submit to Congress a plan that—

6 (1) identifies and evaluates the transportation
7 assets that need to be protected;

8 (2) sets risk-based priorities for defending such
9 assets;

10 (3) selects the most practical and cost-effective
11 ways of defending such assets; and

12 (4) assigns roles and missions to the relevant
13 authorities (Federal, State, regional, and local) and
14 to private stakeholders, budget, and funding to im-
15 plement the effort of defending such assets.

16 (b) GAO REVIEW OF PLAN.—Not later than 90 days
17 after the date on which the Secretary of Homeland Secu-
18 rity submits the plan required under subsection (a), the
19 Comptroller General of the United States shall submit a
20 report to Congress that assesses whether all of the ele-
21 ments of subsection (a) have been adequately addressed
22 under that plan.

23 **SEC. 407. AVIATION SCREENING.**

24 The Secretary of Homeland Security shall—

25 (1) implement procedures to improve the use of
26 “no-fly” and “automatic selectee” lists, including

1 utilizing a larger set of watchlists maintained by the
2 Federal Government, while a successor to CAPPS
3 continues to be developed;

4 (2) require the the Transportation Security Ad-
5 ministration to perform the passenger pre-screening
6 function; and

7 (3) require air carriers to supply the informa-
8 tion needed to test and implement an enhanced pas-
9 senger pre-screening system.

10 **SEC. 408. ENHANCED EXPLOSIVES DETECTION.**

11 The President shall submit to Congress a proposal
12 that—

13 (1) requires the Transportation Security Ad-
14 ministration to give priority attention to improving
15 the ability of screening checkpoints to detect explo-
16 sives on passengers;

17 (2) in the case of a passenger selected for spe-
18 cial screening, requires the passenger to be screened
19 for explosives; and

20 (3) requires a study by the Transportation Se-
21 curity Administration on human factors to under-
22 stand problems in screener performance and requires
23 attainable objectives for individual screeners and for
24 the checkpoints where screening takes place.

1 **TITLE V—INFORMATION SHAR-**
2 **ING AND PROTECTION OF**
3 **CIVIL LIBERTIES**

4 **SEC. 501. INFORMATION SHARING.**

5 The President shall determine the guidelines for ac-
6 quiring, accessing, using, and sharing of information
7 about individuals among Federal, State, and local govern-
8 ment agencies, and by those agencies with the private sec-
9 tor, for purposes of protecting national security, in a man-
10 ner that protects the privacy and civil liberties of those
11 individuals.

12 **SEC. 502. BOARD TO OVERSEE ADHERENCE TO CIVIL LIB-**
13 **ERTIES PRINCIPLES.**

14 The President shall establish within the executive
15 branch a board to oversee adherence to—

16 (1) the guidelines established by the President
17 under this Act for the sharing of information among
18 government agencies and by those agencies with the
19 private sector; and

20 (2) the commitment the Government makes to
21 defend civil liberties.

22 **TITLE VI—SETTING PRIORITIES**
23 **FOR NATIONAL PREPAREDNESS**

24 **SEC. 601. HOMELAND SECURITY ASSISTANCE.**

25 It is the sense of Congress that—

1 (1) homeland security assistance should be
 2 based strictly on an assessment of risks and
 3 vulnerabilities; and

4 (2) homeland security assistance should not re-
 5 main a program for general revenue sharing and
 6 should supplement State and local resources based
 7 on the risks or vulnerabilities that merit additional
 8 support.

9 **SEC. 602. REGULATIONS REQUIRING ADOPTION OF INCI-**
 10 **DENT COMMAND SYSTEM AND UNIFIED COM-**
 11 **MAND PROCEDURES.**

12 The Secretary of Homeland Security shall issue regu-
 13 lations that require that all emergency response agencies
 14 in the United States shall adopt the Incident Command
 15 System and unified command procedures.

16 **SEC. 603. FEDERAL COMMUNICATIONS COMMISSION RE-**
 17 **QUIREMENTS.**

18 (a) PREVENTION OF DELAY IN REASSIGNMENT OF
 19 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Sec-
 20 tion 309(j)(14) of the Communications Act of 1934 (47
 21 U.S.C. 309(j)(14)) is amended by adding at the end the
 22 following new subparagraph:

23 “(D) EXTENSIONS NOT PERMITTED FOR
 24 CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR
 25 PUBLIC SAFETY SERVICES.—Notwithstanding

1 subparagraph (B), the Commission shall not
2 grant any extension under such subparagraph
3 from the limitation of subparagraph (A) with
4 respect to the frequencies assigned, pursuant to
5 section 337(a)(1), for public safety services.
6 The Commission shall take all actions necessary
7 to complete assignment of the electromagnetic
8 spectrum between 764 and 776 megahertz, in-
9 clusive, and between 794 and 806 megahertz,
10 inclusive, for public safety services and to per-
11 mit operations by public safety services on those
12 frequencies commencing no later than January
13 1, 2007.”.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) high-risk urban areas such as New York
17 City and Washington, D.C., should establish signal
18 corps units to ensure communications connectivity
19 between and among civilian authorities, local first
20 responders, and the National Guard; and

21 (2) Federal funding of such units should be
22 given high priority by Congress.

23 **SEC. 604. PRIVATE SECTOR EMERGENCY PREPAREDNESS.**

24 (a) ADOPTION OF STANDARD FOR PRIVATE SECTOR
25 EMERGENCY PREPAREDNESS.—The Secretary of Home-

1 land Security shall consult with the American National
 2 Standards Institute in the development of the standards
 3 to promote private sector emergency preparedness and
 4 shall promote the adoption of such standards by institu-
 5 tions and industries in the private sector.

6 (b) INSURANCE AND CREDIT-RATING AGENCIES.—It
 7 is the sense of the Congress that—

8 (1) insurance companies and credit-rating agen-
 9 cies should consider the extent to which any business
 10 applicant for insurance or credit is in compliance
 11 with any applicable standard established by the
 12 American National Standards Institute to promote
 13 private sector emergency preparedness in consid-
 14 ering such application; and

15 (2) the standard of care owed by any company
 16 to its employees and the public should include com-
 17 pliance by such company with any applicable stand-
 18 ard established by the American National Standards
 19 Institute to promote private sector emergency pre-
 20 paredness.

21 **TITLE VII—UNITY OF EFFORT IN** 22 **SHARING INFORMATION**

23 **SEC. 701. UNITY OF EFFORT IN SHARING INFORMATION.**

24 The President shall submit to Congress a proposal
 25 that—

1 (1) provides incentives to executive agencies to
 2 establish procedures for the sharing and security of
 3 information, that restores a better balance between
 4 security and shared knowledge;

5 (2) establishes a Government-wide effort lead
 6 by the President to bring the major national security
 7 institutions into the information revolution; and

8 (3) coordinates the resolution of the legal, pol-
 9 icy, and technical issues associated with information
 10 sharing across agencies to create a “trusted infor-
 11 mation network”.

12 **TITLE VIII—UNITY OF EFFORT** 13 **IN CONGRESS**

14 **SEC. 801. APPROPRIATIONS FOR INTELLIGENCE.**

15 (a) SINGLE APPROPRIATION BILL FOR INTEL-
 16 LIGENCE.—The House of Representatives and the Senate
 17 should each pass a single general appropriation bill for
 18 intelligence containing an unclassified figure that con-
 19 stitutes the aggregate amount appropriated for intel-
 20 ligence.

21 (b) PUBLIC HEARINGS.—The Committees on Appro-
 22 priations of the Senate and House of Representatives
 23 should hold public hearings regarding the aggregate
 24 amount appropriated for intelligence.

1 **SEC. 802. ESTABLISHMENT OF EITHER A JOINT COM-**
2 **MITTEE ON INTELLIGENCE OR A STANDING**
3 **COMMITTEE ON INTELLIGENCE IN EACH**
4 **HOUSE OF CONGRESS.**

5 As an exercise of their rulemaking powers, the House
6 of Representatives and the Senate shall review the func-
7 tions and responsibilities of the Select Committee on Intel-
8 ligence of the Senate and the Permanent Select Committee
9 on Intelligence of the House of Representatives and estab-
10 lish either a Joint Committee on Intelligence (modeled
11 after the Joint Committee on Atomic Energy), or a single
12 standing committee in each House of Congress that would
13 authorize and appropriate funds for intelligence and
14 counterterrorism and conduct oversight over such meas-
15 ures and matters.

16 **SEC. 803. OVERSIGHT OF HOMELAND SECURITY.**

17 As an exercise of their rulemaking powers, the House
18 of Representatives and the Senate shall each determine
19 how to provide a single, principal point of oversight for
20 homeland security, which shall exercise such jurisdiction
21 as each house shall determine, and which shall employ a
22 nonpartisan staff.

23 **SEC. 804. EXECUTIVE APPOINTMENTS.**

24 It is the sense of Congress that the President and
25 Congress should take steps to minimize, to the extent pos-
26 sible, the disruption of national security policymaking dur-

1 ing a change of presidential administrations by accel-
 2 erating the process for national security appointments
 3 that require the advice and consent of the Senate in order
 4 for transitions from one President to the next to proceed
 5 more effectively and to allow new officials to assume their
 6 new responsibilities as quickly as possible.

7 **TITLE IX—ORGANIZING AMER-**
 8 **ICA’S DEFENSE IN THE**
 9 **UNITED STATES**

10 **SEC. 901. ESTABLISHMENT OF A SPECIALIZED AND INTE-**
 11 **GRATED NATIONAL SECURITY WORKFORCE**
 12 **AT THE FEDERAL BUREAU OF INVESTIGA-**
 13 **TION.**

14 The President shall direct the Attorney General to
 15 take such steps as may be necessary to establish a special-
 16 ized and integrated national security workforce at the
 17 Federal Bureau of Investigation. Such workforce shall
 18 consist of agents, analysts, linguists, and surveillance spe-
 19 cialists who shall be recruited, trained, and compensated
 20 in a manner consistent with ensuring the development and
 21 retention of an institutional culture having expertise in in-
 22 telligence and national security matters.

23 **SEC. 902. REGULAR READINESS ASSESSMENTS.**

24 (a) DEPARTMENT OF DEFENSE.—The Secretary of
 25 Defense shall regularly assess the adequacy of strategies

1 and planning of the United States Northern Command to
2 defend the United States against military threats to the
3 homeland.

4 (b) DEPARTMENT OF HOMELAND SECURITY.—The
5 Secretary of Homeland Security shall regularly assess the
6 types of threats the Nation faces to determine—

7 (1) the adequacy of the Government’s plans,
8 and the progress against those plans, to protect the
9 Nation’s critical infrastructure; and

10 (2) the readiness of the Government to respond
11 to the threats that the United States might face.

12 (c) CONGRESSIONAL OVERSIGHT COMMITTEES.—The
13 congressional committees with responsibility for oversight
14 of the Department of Defense should regularly assess the
15 matters referred to in subsection (a). The congressional
16 committees with responsibility for oversight of the Depart-
17 ment of Homeland Security should regularly assess the
18 matters referred to in subsection (b).

○