

108TH CONGRESS  
2D SESSION

# H. R. 5223

To reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2004

Mr. SHAYS (for himself and Mrs. MALONEY) 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, Government Reform, the Judiciary, Rules, Transportation and Infrastructure, Energy and Commerce, Ways and Means, and Select Homeland Security, 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 reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, 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  
5       “National Intelligence Reform Act of 2004”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

## TITLE I—NATIONAL INTELLIGENCE AUTHORITY

### Subtitle A—National Intelligence Authority

- Sec. 101. National Intelligence Authority.
- Sec. 102. National Intelligence Director.

### Subtitle B—Responsibilities and Authorities of National Intelligence Director

- Sec. 111. Provision of national intelligence.
- Sec. 112. Responsibilities of National Intelligence Director.
- Sec. 113. Authorities of National Intelligence Director.
- Sec. 114. Enhanced personnel management.
- Sec. 115. Security clearances.
- Sec. 116. National Intelligence Reserve Corps.
- Sec. 117. Appointment and termination of certain officials responsible for intelligence-related activities.
- Sec. 118. Reserve for Contingencies of the National Intelligence Director.

### Subtitle C—Office of the National Intelligence Director

- Sec. 121. Office of the National Intelligence Director.
- Sec. 122. Deputy national intelligence directors.
- Sec. 123. National Intelligence Council.
- Sec. 124. General Counsel of the National Intelligence Authority.
- Sec. 125. Intelligence Comptroller.
- Sec. 126. Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.
- Sec. 127. Privacy Officer of the National Intelligence Authority.
- Sec. 128. Chief Information Officer of the National Intelligence Authority.
- Sec. 129. Chief Human Capital Officer of the National Intelligence Authority.
- Sec. 130. Chief Financial Officer of the National Intelligence Authority.
- Sec. 131. National Counterintelligence Executive.

### Subtitle D—Additional Elements of National Intelligence Authority

- Sec. 141. Inspector General of the National Intelligence Authority.
- Sec. 142. Ombudsman of the National Intelligence Authority.
- Sec. 143. National Counterterrorism Center.
- Sec. 144. National intelligence centers.

### Subtitle E—Education and Training of Intelligence Community Personnel

- Sec. 151. Framework for cross-disciplinary education and training.
- Sec. 152. Intelligence Community Scholarship Program.

### Subtitle F—Additional Authorities of National Intelligence Authority

- Sec. 161. Use of appropriated funds.
- Sec. 162. Acquisition and fiscal authorities.
- Sec. 163. Personnel matters.
- Sec. 164. Ethics matters.

## TITLE II—INFORMATION SHARING

- Sec. 201. Information sharing.

## TITLE III—CONGRESSIONAL REFORM

- Sec. 301. Findings.
- Sec. 302. Reorganization of congressional jurisdiction.

## TITLE IV—PRESIDENTIAL TRANSITION

- Sec. 401. Presidential transition.

## TITLE V—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

- Sec. 501. Report on terrorist sanctuaries.
- Sec. 502. Role of Pakistan in countering terrorism.
- Sec. 503. Aid to Afghanistan.
- Sec. 504. The United States-Saudi Arabia relationship.
- Sec. 505. Efforts to combat Islamic terrorism by engaging in the struggle of ideas in the Islamic world.
- Sec. 506. United States policy toward dictatorships.
- Sec. 507. Promotion of United States values through broadcast media.
- Sec. 508. Use of United States scholarship and exchange programs in the Islamic world.
- Sec. 509. International Youth Opportunity Fund.
- Sec. 510. Report on the use of economic policies to combat terrorism.
- Sec. 511. Middle East Partnership Initiative.
- Sec. 512. Comprehensive coalition strategy for fighting terrorism.
- Sec. 513. Detention and humane treatment of captured terrorists.
- Sec. 514. Proliferation of weapons of mass destruction.
- Sec. 515. Financing of terrorism.

## TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING

- Sec. 601. Counterterrorist travel intelligence.
- Sec. 602. Integrated screening system.
- Sec. 603. Biometric entry and exit data system.
- Sec. 604. Travel documents.
- Sec. 605. Exchange of terrorist information.
- Sec. 606. Minimum standards for identification-related documents.

## TITLE VII—TRANSPORTATION SECURITY

- Sec. 701. Definitions.
- Sec. 702. National Strategy for Transportation Security.
- Sec. 703. Use of watchlists for passenger air transportation screening.
- Sec. 704. Enhanced passenger and cargo screening.

## TITLE VIII—NATIONAL PREPAREDNESS

- Sec. 801. Homeland security assistance.
- Sec. 802. The incident command system.
- Sec. 803. National Capital Region Mutual Aid.
- Sec. 804. Assignment of spectrum for public safety.
- Sec. 805. Urban area communications capabilities.
- Sec. 806. Private sector preparedness.
- Sec. 807. Critical infrastructure and readiness assessments.
- Sec. 808. Report on Northern Command and defense of the United States homeland.

## TITLE IX—PROTECTION OF CIVIL LIBERTIES

Sec. 901. Privacy and Civil Liberties Oversight Board.

Sec. 902. Privacy and Civil Liberties Officers.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “intelligence” includes foreign in-  
4 telligence and counterintelligence.

5 (2) The term “foreign intelligence” means in-  
6 formation relating to the capabilities, intentions, or  
7 activities of foreign governments or elements thereof,  
8 foreign organizations, foreign persons, or inter-  
9 national terrorists.

10 (3) The term “counterintelligence” means infor-  
11 mation gathered, and activities conducted, to protect  
12 against espionage, other intelligence activities, sabo-  
13 tage, or assassinations conducted by or on behalf of  
14 foreign governments or elements thereof, foreign or-  
15 ganizations, foreign persons, or international terror-  
16 ists.

17 (4) The term “intelligence community” includes  
18 the following:

19 (A) The National Intelligence Authority.

20 (B) The Central Intelligence Agency.

21 (C) The National Security Agency.

22 (D) The Defense Intelligence Agency.

1           (E) The National Geospatial-Intelligence  
2 Agency.

3           (F) The National Reconnaissance Office.

4           (G) Other offices within the Department of  
5 Defense for the collection of specialized national  
6 intelligence through reconnaissance programs.

7           (H) The intelligence elements of the Army,  
8 the Navy, the Air Force, the Marine Corps, the  
9 Federal Bureau of Investigation, and the De-  
10 partment of Energy.

11           (I) The Bureau of Intelligence and Re-  
12 search of the Department of State.

13           (J) The Office of Intelligence and Analysis  
14 of the Department of the Treasury.

15           (K) The elements of the Department of  
16 Homeland Security concerned with the analysis  
17 of intelligence information, including the Office  
18 of Intelligence of the Coast Guard.

19           (L) Such other elements of any depart-  
20 ment or agency as may be designated by the  
21 President, or designated jointly by the National  
22 Intelligence Director and the head of the de-  
23 partment or agency concerned, as an element of  
24 the intelligence community.

1           (5) The terms “national intelligence” and “in-  
2 intelligence related to the national security”—

3           (A) each refer to intelligence which per-  
4 tains to the interests of more than one depart-  
5 ment or agency of the Government; and

6           (B) do not refer to counterintelligence or  
7 law enforcement activities conducted by the  
8 Federal Bureau of Investigation except to the  
9 extent provided for in procedures agreed to by  
10 the National Intelligence Director and the At-  
11 torney General, or otherwise as expressly pro-  
12 vided for in this title.

13          (6) The term “National Intelligence Pro-  
14 gram”—

15           (A)(i) refers to all national intelligence  
16 programs, projects, and activities of the ele-  
17 ments of the intelligence community;

18           (ii) includes all programs, projects, and ac-  
19 tivities (whether or not pertaining to national  
20 intelligence) of the National Intelligence Au-  
21 thority, the Central Intelligence Agency, the  
22 National Security Agency, the National  
23 Geospatial-Intelligence Agency, the National  
24 Reconnaissance Office, the Office of Intelligence  
25 of the Federal Bureau of Investigation, and the

1 Office of Information Analysis of the Depart-  
2 ment of Homeland Security; and

3 (iii) includes any other program, project,  
4 or activity of a department, agency, or element  
5 of the United States Government relating to  
6 national intelligence unless the National Intel-  
7 ligence Director and the head of the depart-  
8 ment, agency, or element concerned determine  
9 otherwise; but

10 (B) except as provided in subparagraph  
11 (A)(ii), does not refer to any program, project,  
12 or activity of the military departments, includ-  
13 ing any program, project, or activity of the De-  
14 fense Intelligence Agency that is not part of the  
15 National Foreign Intelligence Program as of  
16 the date of the enactment of this Act, to ac-  
17 quire intelligence principally for the planning  
18 and conduct of joint or tactical military oper-  
19 ations by the United States Armed Forces.

20 (7) The term “congressional intelligence com-  
21 mittees” means—

22 (A) the Select Committee on Intelligence of  
23 the Senate; and

24 (B) the Permanent Select Committee on  
25 Intelligence of the House of Representatives.

1                   **TITLE I—NATIONAL**  
2                   **INTELLIGENCE AUTHORITY**  
3           **Subtitle A—National Intelligence**  
4                   **Authority**

5   **SEC. 101. NATIONAL INTELLIGENCE AUTHORITY.**

6           (a) INDEPENDENT ESTABLISHMENT.—There is here-  
7 by established as an independent establishment in the ex-  
8 ecutive branch of government the National Intelligence  
9 Authority.

10          (b) COMPOSITION.—The National Intelligence Au-  
11 thority is composed of the following:

12               (1) The Office of the National Intelligence Di-  
13 rector.

14               (2) The elements specified in subtitle D.

15               (3) Such other elements, offices, agencies, and  
16 activities as may be established by law or by the  
17 President or the National Intelligence Director.

18          (c) PRIMARY MISSIONS.—The primary missions of  
19 the National Intelligence Authority are as follows:

20               (1) To unify and strengthen the efforts of the  
21 intelligence community of the United States Govern-  
22 ment.

23               (2) To ensure the organization of the efforts of  
24 the intelligence community of the United States  
25 Government in a joint manner relating to intel-



1       ligence missions rather than through intelligence col-  
2       lection disciplines.

3           (3) To provide for the operation of the National  
4       Counterterrorism Center and national intelligence  
5       centers under subtitle D.

6           (4) To eliminate barriers that impede coordina-  
7       tion of the counterterrorism activities of the United  
8       States Government between foreign intelligence ac-  
9       tivities located abroad and foreign intelligence activi-  
10      ties located domestically while ensuring the protec-  
11      tion of civil liberties.

12          (5) To establish clear responsibility and ac-  
13      countability for counterterrorism and other intel-  
14      ligence matters relating to the national security of  
15      the United States.

16      (d) SEAL.—The National Intelligence Director shall  
17      have a seal for the National Intelligence Authority. The  
18      design of the seal is subject to the approval of the Presi-  
19      dent. Judicial notice shall be taken of the seal.

20      **SEC. 102. NATIONAL INTELLIGENCE DIRECTOR.**

21      (a) NATIONAL INTELLIGENCE DIRECTOR.—There is  
22      a National Intelligence Director who shall be appointed  
23      by the President, by and with the advice and consent of  
24      the Senate.

1 (b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any  
2 individual nominated for appointment as National Intel-  
3 ligence Director shall have extensive national security ex-  
4 pertise.

5 (c) PROHIBITION ON SIMULTANEOUS SERVICE IN  
6 OTHER CAPACITY IN INTELLIGENCE COMMUNITY.—The  
7 individual serving as National Intelligence Director may  
8 not, while so serving, serve in any capacity in any other  
9 element of the intelligence community, except to the extent  
10 that the individual serving as National Intelligence Direc-  
11 tor does so in an acting capacity.

12 (d) PRINCIPAL DUTIES AND RESPONSIBILITIES.—  
13 The National Intelligence Director shall—

14 (1) serve as head of the intelligence community  
15 in accordance with the provisions of this Act, the  
16 National Security Act of 1947 (50 U.S.C. 401 et  
17 seq.), and other applicable provisions of law;

18 (2) act as a principal adviser to the President  
19 for intelligence related to the national security;

20 (3) serve as the head of the National Intel-  
21 ligence Authority; and

22 (4) direct and oversee the National Intelligence  
23 Program.

24 (e) GENERAL RESPONSIBILITIES AND AUTHORI-  
25 TIES.—In carrying out the duties and responsibilities set

1 forth in subsection (c), the National Intelligence Director  
2 shall have the responsibilities set forth in section 112 and  
3 the authorities set forth in section 113 and other applica-  
4 ble provisions of law.

5 **Subtitle B—Responsibilities and**  
6 **Authorities of National Intel-**  
7 **ligence Director**

8 **SEC. 111. PROVISION OF NATIONAL INTELLIGENCE.**

9 (a) IN GENERAL.—The National Intelligence Direc-  
10 tor shall be responsible for providing national intel-  
11 ligence—

12 (1) to the President;

13 (2) to the heads of other departments and  
14 agencies of the executive branch;

15 (3) to the Chairman of the Joint Chiefs of Staff  
16 and senior military commanders;

17 (4) to the Senate and House of Representatives  
18 and the committees thereof; and

19 (5) to such other persons or entities as the  
20 President shall direct.

21 (b) NATIONAL INTELLIGENCE.—Such national intel-  
22 ligence shall be timely, objective, independent of political  
23 considerations, and based upon all sources available to the  
24 intelligence community.

1 **SEC. 112. RESPONSIBILITIES OF NATIONAL INTELLIGENCE**

2 **DIRECTOR.**

3 (a) IN GENERAL.—The National Intelligence Direc-  
4 tor shall—

5 (1) determine the annual budget for the intel-  
6 ligence and intelligence-related activities of the  
7 United States by—

8 (A) providing to the heads of the depart-  
9 ments containing agencies or elements within  
10 the intelligence community and that have one or  
11 more programs, projects, or activities within the  
12 National Intelligence program, and to the heads  
13 of such agencies and elements, guidance for de-  
14 velopment the National Intelligence Program  
15 budget pertaining to such agencies or elements;

16 (B) developing and presenting to the Presi-  
17 dent an annual budget for the National Intel-  
18 ligence Program after consultation with the  
19 heads of agencies or elements, and the heads of  
20 their respective departments, under subpara-  
21 graph (A);

22 (C) providing budget guidance to each ele-  
23 ment of the intelligence community that does  
24 not have one or more program, project, or ac-  
25 tivity within the National Intelligence Program

1           regarding the intelligence and intelligence-re-  
2           lated activities of such element; and

3           (D) participating in the development by  
4           the Secretary of Defense of the annual budgets  
5           for the military intelligence programs, projects,  
6           and activities not included in the National In-  
7           telligence Program;

8           (2) manage and oversee the National Intel-  
9           ligence Program, including—

10           (A) the execution of funds within the Na-  
11           tional Intelligence Program;

12           (B) the reprogramming of funds appro-  
13           priated or otherwise made available to the Na-  
14           tional Intelligence Program; and

15           (C) the transfer of funds and personnel  
16           under the National Intelligence Program;

17           (3) establish the requirements and priorities to  
18           govern the collection, analysis, and dissemination of  
19           national intelligence by elements of the intelligence  
20           community;

21           (4) establish collection and analysis require-  
22           ments for the intelligence community, determine col-  
23           lection and analysis priorities, issue and manage col-  
24           lection and analysis tasking, and resolve conflicts in  
25           the tasking of elements of the intelligence commu-

1 nity within the National Intelligence Program, ex-  
2 cept as otherwise agreed with the Secretary of De-  
3 fense pursuant to the direction of the President;

4 (5) provide advisory tasking on the collection of  
5 intelligence to elements of the United States Govern-  
6 ment having information collection capabilities that  
7 are not elements of the intelligence community;

8 (6) manage and oversee the National  
9 Counterterrorism Center under section 143, and es-  
10 tablish, manage, and oversee national intelligence  
11 centers under section 144;

12 (7) establish requirements and priorities for for-  
13 eign intelligence information to be collected under  
14 the Foreign Intelligence Surveillance Act of 1978  
15 (50 U.S.C. 1801 et seq.), and provide assistance to  
16 the Attorney General to ensure that information de-  
17 rived from electronic surveillance or physical  
18 searches under that Act is disseminated so it may be  
19 used efficiently and effectively for foreign intel-  
20 ligence purposes, except that the Director shall have  
21 no authority to direct, manage, or undertake elec-  
22 tronic surveillance or physical search operations pur-  
23 suant to that Act unless otherwise authorized by  
24 statute or Executive order;

1           (8) develop and implement, in consultation with  
2           the heads of other agencies or elements of the intel-  
3           ligence community, and the heads of their respective  
4           departments, personnel policies and programs appli-  
5           cable to the intelligence community that—

6                   (A) encourage and facilitate assignments  
7                   and details of personnel to the National  
8                   Counterterrorism Center under section 143, to  
9                   national intelligence centers under section 144,  
10                  and between elements of the intelligence com-  
11                  munity;

12                  (B) set standards for education, training,  
13                  and career development of personnel of the in-  
14                  telligence community;

15                  (C) encourage and facilitate the recruit-  
16                  ment and retention by the intelligence commu-  
17                  nity of highly qualified individuals for the effec-  
18                  tive conduct of intelligence activities;

19                  (D) ensure that the personnel of the intel-  
20                  ligence community is sufficiently diverse for  
21                  purposes of the collection and analysis of intel-  
22                  ligence through the recruitment and training of  
23                  women, minorities, and individuals with diverse  
24                  ethnic, cultural, and linguistic backgrounds;

1 (E) make service in more than one element  
2 of the intelligence community a condition of  
3 promotion to such positions within the intel-  
4 ligence community as the Director shall specify;

5 (F) ensure the effective management of in-  
6 telligence community personnel who are respon-  
7 sible for intelligence community-wide matters;

8 (G) provide for the effective management  
9 of human capital within the intelligence commu-  
10 nity, including—

11 (i) the alignment of human resource  
12 policies and programs of the elements of  
13 the intelligence community with the mis-  
14 sions, goals, and organizational objectives  
15 of such elements and of the intelligence  
16 community overall;

17 (ii) the assessment of workforce char-  
18 acteristics and future needs and the estab-  
19 lishment of workforce development strate-  
20 gies to meet those needs based on relevant  
21 organizational missions and strategic  
22 plans;

23 (iii) the sustainment of a culture that  
24 encourages and allows for the development  
25 of a high performing workforce; and



1 (iv) the alignment of expectations for  
2 personnel performance with relevant orga-  
3 nizational missions and strategic plans;

4 (H) are consistent with the public employ-  
5 ment principles of merit and fitness set forth  
6 under section 2301 of title 5, United States  
7 Code; and

8 (I) include the enhancements required  
9 under section 114;

10 (9) promote and evaluate the utility of national  
11 intelligence to consumers within the United States  
12 Government;

13 (10) ensure that appropriate officials of the  
14 United States Government and other appropriate in-  
15 dividuals have access to a variety of intelligence as-  
16 sessments and analytical views;

17 (11) protect intelligence sources and methods  
18 from unauthorized disclosure;

19 (12) establish requirements and procedures for  
20 the classification of intelligence information and for  
21 access to classified intelligence information;

22 (13) establish requirements and procedures for  
23 the dissemination of classified information by ele-  
24 ments of the intelligence community;

1           (14) establish intelligence reporting guidelines  
2           that maximize the dissemination of information  
3           while protecting intelligence sources and methods;

4           (15) develop, in consultation with the heads of  
5           appropriate departments and agencies of the United  
6           States Government, an integrated communications  
7           network that provides interoperable communications  
8           capabilities among all elements of the intelligence  
9           community and such other entities and persons as  
10          the Director considers appropriate;

11          (16) establish standards for information tech-  
12          nology and communications for the intelligence com-  
13          munity;

14          (17) ensure that the intelligence community  
15          makes efficient and effective use of open-source in-  
16          formation and analysis;

17          (18) ensure compliance by elements of the intel-  
18          ligence community with the Constitution and all  
19          laws, regulations, Executive orders, and imple-  
20          menting guidelines of the United States applicable to  
21          the intelligence and intelligence-related activities of  
22          the United States Government, including the provi-  
23          sions of the Constitution and all laws, regulations,  
24          Executive orders, and implementing guidelines of the

1 United States applicable to the protection of the pri-  
2 vacy and civil liberties of United States persons;

3 (19) eliminate waste and unnecessary duplica-  
4 tion within the intelligence community; and

5 (20) perform such other functions as the Presi-  
6 dent may direct.

7 (b) UNIFORM PROCEDURES FOR SENSITIVE COM-  
8 PARTMENTED INFORMATION.—The President, acting  
9 through the National Intelligence Director, shall establish  
10 uniform standards and procedures for the grant to sen-  
11 sitive compartmented information in accordance with sec-  
12 tion 115.

13 (c) PERFORMANCE OF COMMON SERVICES.—(1) The  
14 National Intelligence Director shall, in consultation with  
15 the heads of departments and agencies of the United  
16 States Government containing elements within the intel-  
17 ligence community and with the Director of the Central  
18 Intelligence Agency, direct and coordinate the perform-  
19 ance by the elements of the intelligence community within  
20 the National Intelligence Program of such services as are  
21 of common concern to the intelligence community, which  
22 services the National Intelligence Director determines can  
23 be more efficiently accomplished in a consolidated manner.

8 SEC. 113. AUTHORITIES OF NATIONAL INTELLIGENCE DI-  
9 RECTOR.

(b) DETERMINATION OF BUDGETS FOR NIP AND OTHER INTELLIGENCE ACTIVITIES.—The National Intelligence Director shall determine the annual budget for the intelligence and intelligence-related activities of the United States Government under section 112(a)(1) by—

(1) providing to the heads of the departments containing agencies or elements within the intelligence community and that have one or more programs, projects, or activities within the National Intelligence program, and to the heads of such agencies and elements, guidance for development the Na-

1        tional Intelligence Program budget pertaining to  
2        such agencies or elements;

3            (2) developing and presenting to the President  
4        an annual budget for the National Intelligence Pro-  
5        gram after consultation with the heads of agencies  
6        or elements, and the heads of their respective de-  
7        partments, under paragraph (1), including, in fur-  
8        therance of such budget, the review, modification,  
9        and approval of budgets of the agencies or elements  
10       of the intelligence community with one or more pro-  
11       grams, projects, or activities within the National In-  
12       telligence Program utilizing the budget authorities in  
13       subsection (c)(1);

14           (3) providing guidance on the development of  
15        annual budgets for each element of the intelligence  
16        community that does not have any program, project,  
17        or activity within the National Intelligence Program  
18        utilizing the budget authorities in subsection (c)(2);

19           (4) participating in the development by the Sec-  
20        retary of Defense of the annual budget for military  
21        intelligence programs and activities outside the Na-  
22        tional Intelligence Program;

23           (5) receiving the appropriations for the Na-  
24        tional Intelligence Program as specified in sub-  
25        section (d) and allotting and allocating funds to

1 agencies and elements of the intelligence community;  
2 and

3 (6) managing and overseeing the execution by  
4 the agencies or elements of the intelligence commu-  
5 nity, and, if necessary, the modification of the an-  
6 nual budget for the National Intelligence Program,  
7 including directing the reprogramming and transfer  
8 of funds, and the transfer of personnel, among and  
9 between elements of the intelligence community  
10 within the National Intelligence Program utilizing  
11 the authorities in subsections (f) and (g).

12 (c) BUDGET AUTHORITIES.—(1)(A) In developing  
13 and presenting an annual budget for the elements of the  
14 intelligence community within the National Intelligence  
15 Program under subsection (b)(1), the National Intel-  
16 ligence Director shall coordinate, prepare, and present to  
17 the President the annual budgets of those elements, in  
18 consultation with the heads of those elements.

19 (B) If any portion of the budget for an element of  
20 the intelligence community within the National Intel-  
21 ligence Program is prepared outside the Office of the Na-  
22 tional Intelligence Director, the Director—

23 (i) shall approve such budget before submission  
24 to the President; and

1           (ii) may require modifications of such budget to  
2       meet the requirements and priorities of the Director  
3       before approving such budget under clause (i).

4       (C) The budget of an agency or element of the intel-  
5       ligence community with one or more programs, projects,  
6       or activities within the National Intelligence Program may  
7       not be provided to the President unless the Director has  
8       first approved such budget.

9       (2)(A) The Director shall provide guidance for the  
10      development of the annual budgets for each agency or ele-  
11      ment of the intelligence community that does not have any  
12      program, project, or activity within the National Intel-  
13      ligence Program.

14      (B) The heads of the agencies or elements of the in-  
15      telligence community, and the heads of their respective de-  
16      partments, referred to in subparagraph (A) shall coordi-  
17      nate closely with the Director in the development of the  
18      budgets of such agencies or elements, before the submis-  
19      sion of their recommendations on such budgets to the  
20      President.

21      (d) JURISDICTION OF FUNDS UNDER NIP.—(1) Not-  
22      withstanding any other provision of law and consistent  
23      with section 504 of the National Security Act of 1947 (50  
24      U.S.C. 414), any amounts appropriated or otherwise made  
25      available for the National Intelligence Program shall be

1 appropriated to the National Intelligence Authority and,  
2 pursuant to subsection (e), under the direct jurisdiction  
3 of the National Intelligence Director.

4 (2) The Director shall manage and oversee the execu-  
5 tion by each element of the intelligence community of any  
6 amounts appropriated or otherwise made available to such  
7 element under the National Intelligence Program.

8 (e) ACCOUNTS FOR ADMINISTRATION OF NIP  
9 FUNDS.—(1) The Secretary of the Treasury shall, in con-  
10 sultation with the National Intelligence Director, establish  
11 accounts for the funds under the jurisdiction of the Direc-  
12 tor under subsection (d) for purposes of carrying out the  
13 responsibilities and authorities of the Director under this  
14 Act with respect to the National Intelligence Program.

15 (2) The National Intelligence Director shall—

16 (A) control and manage the accounts estab-  
17 lished under paragraph (1); and

18 (B) with the concurrence of the Director of the  
19 Office of Management and Budget, establish proce-  
20 dures governing the use (including transfers and  
21 reprogrammings) of funds in such accounts.

22 (3)(A) To the extent authorized by law, a certifying  
23 official shall follow the procedures established under para-  
24 graph (2)(B) with regard to each account established  
25 under paragraph (1). Disbursements from any such ac-



1 count shall only be made against a valid obligation of such  
2 account.

3 (B) In this paragraph, the term “certifying official”,  
4 with respect to an element of the intelligence community,  
5 means an employee of the element who has responsibilities  
6 specified in section 3528(a) of title 31, United States  
7 Code.

8 (4) The National Intelligence Director shall allot  
9 funds deposited in an account established under para-  
10 graph (1) directly to the head of the elements of the intel-  
11 ligence community concerned in accordance with the pro-  
12 cedures established under paragraph (2)(B).

13 (5) Each account established under paragraph (1)  
14 shall be subject to chapters 13 and 15 of title 31, United  
15 States Code, other than sections 1503 and 1556 of that  
16 title.

17 (6) Nothing in this subsection shall be construed to  
18 impair or otherwise affect the authority granted by sub-  
19 section (g)(3) or by section 5 or 8 of the Central Intel-  
20 ligence Agency Act of 1949 (50 U.S.C. 403f, 403j).

21 (f) ROLE IN REPROGRAMMING OR TRANSFER OF NIP  
22 FUNDS BY ELEMENTS OF INTELLIGENCE COMMUNITY.—  
23 (1) No funds made available under the National Intel-  
24 ligence Program may be reprogrammed or transferred by  
25 any agency or element of the intelligence community with-

1 out the prior approval of the National Intelligence Direc-  
2 tor except in accordance with procedures issued by the Di-  
3 rector.

4 (2) The head of the department concerned shall con-  
5 sult with the Director before reprogramming or transfer-  
6 ring funds appropriated or otherwise made available to an  
7 agency or element of the intelligence community that does  
8 not have any program, project, or activity within the Na-  
9 tional Intelligence Program.

10 (3) The Director shall, before reprogramming funds  
11 appropriated or otherwise made available for an element  
12 of the intelligence community within the National Intel-  
13 ligence Program, consult with the head of the department  
14 or agency having jurisdiction over such element regarding  
15 such reprogramming.

16 (4)(A) The Director shall consult with the appro-  
17 priate committees of Congress regarding modifications of  
18 existing procedures to expedite the reprogramming of  
19 funds within the National Intelligence Program.

20 (B) Any modification of procedures under subpara-  
21 graph (A) shall include procedures for the notification of  
22 the appropriate committees of Congress of any objection  
23 raised by the head of a department or agency to a re-  
24 programming proposed by the Director as a result of con-  
25 sultations under paragraph (3).

1       (g) TRANSFER OR REPROGRAMMING OF FUNDS AND  
2 TRANSFER OF PERSONNEL WITHIN NIP.—(1) In addi-  
3 tion to any other authorities available under law for such  
4 purposes, the National Intelligence Director, with the ap-  
5 proval of the Director of the Office of Management and  
6 Budget and after consultation with the heads of the de-  
7 partments containing agencies or elements within the in-  
8 telligence community to the extent their subordinate agen-  
9 cies or elements are affected, with the heads of such subor-  
10 dinate agencies or elements, and with the Director of the  
11 Central Intelligence Agency to the extent the Central In-  
12 telligence Agency is affected, may—

13           (A) transfer or reprogram funds appropriated  
14 for a program within the National Intelligence Pro-  
15 gram to another such program;

16           (B) review, and approve or disapprove, any pro-  
17 posal to transfer or reprogram funds from appro-  
18 priations that are not for the National Intelligence  
19 Program to appropriations for the National Intel-  
20 ligence Program;

21           (C) in accordance with procedures to be devel-  
22 oped by the National Intelligence Director, transfer  
23 personnel of the intelligence community funded  
24 through the National Intelligence Program from one

1 element of the intelligence community to another ele-  
2 ment of the intelligence community; and

3 (D) in accordance with procedures to be devel-  
4 oped by the National Intelligence Director and the  
5 heads of the departments and agencies concerned,  
6 transfer personnel of the intelligence community not  
7 funded through the National Intelligence Program  
8 from one element of the intelligence community to  
9 another element of the intelligence community.

10 (2) A transfer of funds or personnel may be made  
11 under this subsection only if—

12 (A) the funds or personnel are being trans-  
13 ferred to an activity that is a higher priority intel-  
14 ligence activity;

15 (B) the transfer does not involve a transfer of  
16 funds to the Reserve for Contingencies of the Na-  
17 tional Intelligence Director; or

18 (C) the transfer does not exceed applicable ceil-  
19 ings established in law for such transfers.

20 (3) Funds transferred under this subsection shall re-  
21 main available for the same period as the appropriations  
22 account to which transferred.

23 (4) Any transfer of funds under this subsection shall  
24 be carried out in accordance with existing procedures ap-  
25 plicable to reprogramming notifications for the appro-

1 puate congressional committees. Any proposed transfer  
2 for which notice is given to the appropriate congressional  
3 committees shall be accompanied by a report explaining  
4 the nature of the proposed transfer and how it satisfies  
5 the requirements of this subsection. In addition, the con-  
6 gressional intelligence committees shall be promptly noti-  
7 fied of any transfer of funds made pursuant to this sub-  
8 section in any case in which the transfer would not have  
9 otherwise required reprogramming notification under pro-  
10 cedures in effect as of October 24, 1992.

11 (5)(A) The National Intelligence Director shall  
12 promptly submit to the appropriate committees of Con-  
13 gress a report on any transfer of personnel made pursuant  
14 to this subsection. The Director shall include in any such  
15 report an explanation of the nature of the transfer and  
16 how it satisfies the requirements of this subsection.

17 (B) In this paragraph, the term “appropriate com-  
18 mittees of Congress” means—

19 (i)(I) the Committee on Appropriations and the  
20 Select Committee on Intelligence of the Senate; and

21 (II) the Committee on Appropriations and the  
22 Permanent Select Committee on Intelligence of the  
23 House of Representatives;

24 (ii) in the case of a transfer of personnel to or  
25 from the Department of Defense—

1 (I) the committees and select committees  
2 referred to in clause (i);

3 (II) the Committee on Armed Services of  
4 the Senate; and

5 (III) the Committee on Armed Services of  
6 the House of Representatives;

7 (iii) in the case of a transfer of personnel to or  
8 from the Federal Bureau of Investigation—

9 (I) the committees and select committees  
10 referred to in clause (i);

11 (II) the Committee on the Judiciary of the  
12 Senate; and

13 (III) the Committee on the Judiciary of  
14 the House of Representatives; and

15 (iv) in the case of a transfer of personnel to or  
16 from the Department of Homeland Security—

17 (I) the committees and select committees  
18 referred to in clause (i);

19 (II) the Committee on Governmental Af-  
20 fairs of the Senate; and

21 (III) the Select Committee on Homeland  
22 Security of the House of Representatives.

23 (h) INFORMATION TECHNOLOGY AND COMMUNICA-  
24 TIONS.—(1) In conforming with section 205, in carrying

1 out section 112(a)(16), the National Intelligence Director  
2 shall—

3 (A) establish standards for information tech-  
4 nology and communications across the intelligence  
5 community;

6 (B) develop an integrated information tech-  
7 nology network and enterprise architecture for the  
8 intelligence community, including interface stand-  
9 ards for interoperability to enable automated infor-  
10 mation-sharing among elements of the intelligence  
11 community;

12 (C) maintain an inventory of critical informa-  
13 tion technology and communications systems, and  
14 eliminate unnecessary or duplicative systems;

15 (D) establish contingency plans for the intel-  
16 ligence community regarding information technology  
17 and communications; and

18 (E) establish policies, doctrine, training, and  
19 other measures necessary to ensure that the intel-  
20 ligence community develops an integrated informa-  
21 tion technology and communications network that  
22 ensures information-sharing.

23 (2) Consistent with section 205, the Director shall  
24 take any action necessary, including the setting of stand-  
25 ards for information technology and communications

1 across the intelligence community, to develop an inte-  
2 grated information technology and communications net-  
3 work that ensures information-sharing across the intel-  
4 ligence community.

5 (i) COORDINATION WITH FOREIGN GOVERN-  
6 MENTS.—In a manner consistent with section 207 of the  
7 Foreign Service Act of 1980 (22 U.S.C. 3927), the Na-  
8 tional Intelligence Director shall oversee and direct the Di-  
9 rector of the Central Intelligence Agency in coordinating,  
10 under section 103(f) of the National Security Act of 1947,  
11 the relationships between elements of the intelligence com-  
12 munity and the intelligence or security services of foreign  
13 governments on all matters involving intelligence related  
14 to the national security or involving intelligence acquired  
15 through clandestine means.

16 (j) OPEN SOURCE INFORMATION COLLECTION.—The  
17 National Intelligence Director shall establish and maintain  
18 within the intelligence community an effective and effi-  
19 cient open-source information collection capability.

20 (k) ACCESS TO INFORMATION.—Except as otherwise  
21 directed by the President, the head of each element of the  
22 intelligence community shall promptly provide the Na-  
23 tional Intelligence Director such information in the posses-  
24 sion or under the control of such element as the Director  
25 may request in order to facilitate the exercise of the au-



1 thorties and responsibilities of the Director under this  
2 Act.

3 **SEC. 114. ENHANCED PERSONNEL MANAGEMENT.**

4 (a) REWARDS FOR SERVICE IN CERTAIN POSI-  
5 TIONS.—(1) The National Intelligence Director shall pre-  
6 scribe regulations to provide incentives for service on the  
7 staff of the national intelligence centers, on the staff of  
8 the National Counterterrorism Center, and in other posi-  
9 tions in support of the intelligence community manage-  
10 ment functions of the Director.

11 (2) Incentives under paragraph (1) may include fi-  
12 nancial incentives, bonuses, and such other awards and  
13 incentives as the Director considers appropriate.

14 (b) ENHANCED PROMOTION FOR SERVICE UNDER  
15 NID.—Notwithstanding any other provision of law, the  
16 National Intelligence Director shall ensure that personnel  
17 of an element of the intelligence community who are as-  
18 signed or detailed to service under the National Intel-  
19 ligence Director shall be promoted at rates equivalent to  
20 or better than personnel of such element who are not so  
21 assigned or detailed.

22 (c) JOINT CAREER MATTERS.—(1) In carrying out  
23 section 112(a)(8), the National Intelligence Director shall  
24 prescribe mechanisms to facilitate the rotation of per-  
25 sonnel of the intelligence community through various ele-

1 ments of the intelligence community in the course of their  
2 careers in order to facilitate the widest possible under-  
3 standing by such personnel of the variety of intelligence  
4 requirements, methods, and disciplines.

5 (2) The mechanisms prescribed under paragraph (1)  
6 may include the following:

7 (A) The establishment of special occupational  
8 categories involving service, over the course of a ca-  
9 reer, in more than one element of the intelligence  
10 community.

11 (B) The provision of rewards for service in posi-  
12 tions undertaking analysis and planning of oper-  
13 ations involving two or more elements of the intel-  
14 ligence community.

15 (C) The establishment of requirements for edu-  
16 cation, training, service, and evaluation that involve  
17 service in more than one element of the intelligence  
18 community.

19 (3) It is the sense of Congress that the mechanisms  
20 prescribed under this subsection should, to the extent  
21 practical, seek to duplicate within the intelligence commu-  
22 nity the joint officer management policies established by  
23 the Goldwater-Nichols Department of Defense Reorga-  
24 nization Act of 1986 (Public Law 99–433) and the amend-  
25 ments on joint officer management made by that Act.

1 **SEC. 115. SECURITY CLEARANCES.**

2 (a) IN GENERAL.—The President, in consultation  
3 with the National Intelligence Director, the department,  
4 agency, or element selected under (b), and other appro-  
5 priate officials shall—

6 (1) establish uniform standards and procedures  
7 for the grant of access to classified information for  
8 employees and contractor personnel of the United  
9 States Government who require access to such infor-  
10 mation;

11 (2) ensure the consistent implementation of the  
12 standards and procedures established under para-  
13 graph (1) throughout the departments, agencies, and  
14 elements of the United States Government and  
15 under contracts entered into by such departments,  
16 agencies, and elements;

17 (3) ensure that an individual who is granted or  
18 continued eligibility for access to classified informa-  
19 tion is treated by each department, agency, or ele-  
20 ment of the executive branch as eligible for access to  
21 classified information at that level for all purposes  
22 of each such department, agency, or element, re-  
23 gardless of which department, agency, or element of  
24 the executive branch granted or continued the eligi-  
25 bility of such individual for access to classified infor-  
26 mation;

1           (4) establish uniform requirements and stand-  
2           ards, including for security questionnaires, financial  
3           disclosure requirements, and standards for admin-  
4           istering polygraph examinations, to be utilized for  
5           the performance of security clearance investigations,  
6           including by the contractors conducting such inves-  
7           tigations; and

8           (5) ensure that the database established under  
9           subsection (b)(2)(B) meets the needs of the intel-  
10          ligence community.

11          (b) PERFORMANCE OF SECURITY CLEARANCE INVES-  
12          TIGATIONS.—(1) Not later than 45 days after the date of  
13          the enactment of this Act, the President shall select a sin-  
14          gle department, agency, or element of the executive branch  
15          to conduct all security clearance investigations of employ-  
16          ees and contractor personnel of the United States Govern-  
17          ment who require access to classified information and to  
18          provide and maintain all security clearances of such em-  
19          ployees and contractor personnel.

20          (2) The department, agency, or element selected  
21          under paragraph (1) shall—

22                  (A) take all necessary actions to carry out  
23                  the requirements of this section, including en-  
24                  tering into a memorandum of understanding  
25                  with any agency carrying out responsibilities re-

1           lating to security clearances or security clear-  
2           ance investigations before the date of the enact-  
3           ment of this Act;

4                   (B) as soon as practicable, establish and  
5           maintain a single database for tracking security  
6           clearance applications, security clearance inves-  
7           tigations, and determinations of eligibility for  
8           security clearances, which database shall incor-  
9           porate applicable elements of similar databases  
10          in existence on the date of the enactment of  
11          this Act; and

12                   (C) ensure that security clearance inves-  
13          tigations are conducted in accordance with uni-  
14          form standards and requirements established  
15          under subsection (a)(4), including uniform se-  
16          curity questionnaires and financial disclosure  
17          requirements.

18          (c) ADJUDICATION AND GRANT OF SECURITY CLEAR-  
19          ANCES.—(1) Each agency that adjudicates and grants se-  
20          curity clearances as of the date of the enactment of this  
21          Act may continue to adjudicate and grant security clear-  
22          ances after that date.

23                  (2) Each agency that adjudicates and grants security  
24          clearances shall specify to the department, agency, or ele-  
25          ment selected under subsection (b) the level of security

1 clearance investigation required for an individual under its  
2 jurisdiction.

3 (3) Upon granting or continuing eligibility for access  
4 to classified information to an individual under its juris-  
5 diction, an agency that adjudicates and grants security  
6 clearances shall submit to the department, agency, or ele-  
7 ment selected under subsection (b) notice of that action,  
8 including the level of access to classified information  
9 granted.

10 (d) UTILIZATION OF PERSONNEL.—There shall be  
11 transferred to the department, agency, or element selected  
12 under subsection (b) any personnel of any executive agen-  
13 cy whose sole function as of the date of the enactment  
14 of this Act is the performance of security clearance inves-  
15 tigations.

16 (e) TRANSITION.—The President shall take appro-  
17 priate actions to ensure that the performance of security  
18 clearance investigations under this section commences not  
19 later than one year after the date of the enactment of this  
20 Act.

21 **SEC. 116. NATIONAL INTELLIGENCE RESERVE CORPS.**

22 (a) ESTABLISHMENT.—The National Intelligence Di-  
23 rector may provide for the establishment and training of  
24 a National Intelligence Reserve Corps (in this section re-  
25 ferred to as “National Intelligence Reserve Corps”) for the

1 temporary reemployment on a voluntary basis of former  
2 employees of elements of the intelligence community dur-  
3 ing periods of emergency, as determined by the Director.

4 (b) ELIGIBLE INDIVIDUALS.—An individual may par-  
5 ticipate in the National Intelligence Reserve Corps only  
6 if the individual previously served as a full time employee  
7 of an element of the intelligence community.

8 (c) LIMITATION ON MEMBERSHIP.—The total num-  
9 ber of individuals who are members of the National Intel-  
10 ligence Reserve Corps at any given time may not exceed  
11 200 individuals.

12 (d) TERMS OF PARTICIPATION.—The National Intel-  
13 ligence Director shall prescribe the terms and conditions  
14 under which eligible individuals may participate in the Na-  
15 tional Intelligence Reserve Corps.

16 (e) EXPENSES.—The National Intelligence Director  
17 may provide members of the National Intelligence Reserve  
18 Corps transportation and per diem in lieu of subsistence  
19 for purposes of participating in any training that relates  
20 to service as a member of the Reserve Corps.

21 (f) TREATMENT OF ANNUITANTS.—(1) If an annu-  
22 itant receiving an annuity from the Civil Service Retire-  
23 ment and Disability Fund becomes temporarily reem-  
24 ployed pursuant to this section, such annuity shall not be  
25 discontinued thereby.

1       (2) An annuitant so reemployed shall not be consid-  
 2       ered an employee for the purposes of chapter 83 or 84  
 3       of title 5, United States Code.

4       (g) TREATMENT UNDER NATIONAL INTELLIGENCE  
 5       AUTHORITY PERSONNEL CEILING.—A member of the Na-  
 6       tional Intelligence Reserve Corps who is reemployed on a  
 7       temporary basis pursuant to this section shall not count  
 8       against any personnel ceiling applicable to the National  
 9       Intelligence Authority.

10   **SEC. 117. APPOINTMENT AND TERMINATION OF CERTAIN**  
 11                           **OFFICIALS   RESPONSIBLE   FOR   INTEL-**  
 12                           **LIGENCE-RELATED ACTIVITIES.**

13       (a) RECOMMENDATION OF NID IN CERTAIN AP-  
 14       POINTMENT.—In the event of a vacancy in the position  
 15       of Director of the Central Intelligence Agency, the Na-  
 16       tional Intelligence Director shall recommend to the Presi-  
 17       dent an individual for nomination to fill the vacancy.

18       (b) CONCURRENCE OF SECRETARY OF DEFENSE IN  
 19       CERTAIN APPOINTMENTS RECOMMENDED BY NID.—(1)  
 20       In the event of a vacancy in a position referred to in para-  
 21       graph (2), the National Intelligence Director shall obtain  
 22       the concurrence of the Secretary of Defense before recom-  
 23       mending to the President an individual for nomination to  
 24       fill such vacancy. If the Secretary does not concur in the  
 25       recommendation, the Director may make the recommenda-



1 tion to the President without the concurrence of the Sec-  
2 retary, but shall include in the recommendation a state-  
3 ment that the Secretary does not concur in the rec-  
4 ommendation.

5 (2) Paragraph (1) applies to the following positions:

6 (A) The Director of the National Security  
7 Agency.

8 (B) The Director of the National Reconnaissance  
9 Office.

10 (C) The Director of the National Geospatial-Intelligence  
11 Agency.

12 (c) CONCURRENCE OF NID IN CERTAIN APPOINT-  
13 MENTS.—(1) In the event of a vacancy in a position re-  
14 ferred to in paragraph (2), the head of the department  
15 or agency having jurisdiction over the position shall obtain  
16 the concurrence of the National Intelligence Director be-  
17 fore appointing an individual to fill the vacancy or recom-  
18 mending to the President an individual to be nominated  
19 to fill the vacancy. If the Director does not concur in the  
20 recommendation, the head of the department or agency  
21 concerned may fill the vacancy or make the recommenda-  
22 tion to the President (as the case may be) without the  
23 concurrence of the Director, but shall notify the President  
24 that the Director does not concur in appointment or rec-  
25 ommendation (as the case may be).

1       (2) Paragraph (1) applies to the following positions:

2           (A) The Under Secretary of Defense for Intel-  
3       ligence.

4           (B) The Assistant Secretary of Homeland Secu-  
5       rity for Information Analysis.

6           (C) The Director of the Defense Intelligence  
7       Agency.

8           (D) The Executive Assistant Director for Intel-  
9       ligence of the Federal Bureau of Investigation.

10       (d) RECOMMENDATION OF NID ON TERMINATION OF  
11   SERVICE.—(1) The National Intelligence Director may  
12   recommend to the President or the head of the department  
13   or agency concerned the termination of service of any indi-  
14   vidual serving in any position covered by this section.

15       (2) In the event the Director intends to recommend  
16   to the President the termination of service of an individual  
17   under paragraph (1), the Director shall seek the concur-  
18   rence of the head of the department or agency concerned.  
19   If the head of the department or agency concerned does  
20   not concur in the recommendation, the Director may make  
21   the recommendation to the President without the concur-  
22   rence of the head of the department or agency concerned,  
23   but shall notify the President that the head of the depart-  
24   ment or agency concerned does not concur in the rec-  
25   ommendation.

1 **SEC. 118. RESERVE FOR CONTINGENCIES OF THE NA-**  
2 **TIONAL INTELLIGENCE DIRECTOR.**

3 (a) ESTABLISHMENT.—There is hereby established  
4 on the books of the Treasury an account to be known as  
5 the Reserve for Contingencies of the National Intelligence  
6 Director.

7 (b) ELEMENTS.—The Reserve shall consist of the fol-  
8 lowing elements:

9 (1) Amounts authorized to be appropriated to  
10 the Reserve.

11 (2) Any amounts authorized to be transferred  
12 to or deposited in the Reserve by law.

13 (c) AVAILABILITY.—Amounts in the Reserve shall be  
14 available for such purposes as are provided by law.

15 (d) TRANSFER OF FUNDS OF RESERVE FOR CONTIN-  
16 GENCIES OF CIA.—There shall be transferred to the Re-  
17 serve for Contingencies of the National Intelligence Direc-  
18 tor all unobligated balances of the Reserve for Contin-  
19 gencies of the Central Intelligence Agency as of the date  
20 of the enactment of this Act.

1     **Subtitle C—Office of the National**  
2                     **Intelligence Director**

3     **SEC. 121. OFFICE OF THE NATIONAL INTELLIGENCE DIREC-**  
4                     **TOR.**

5             (a) OFFICE OF NATIONAL INTELLIGENCE DIREC-  
6     TOR.—There is within the National Intelligence Authority  
7     an Office of the National Intelligence Director.

8             (b) FUNCTION.—The function of the Office of the  
9     National Intelligence Director is to assist the National In-  
10    telligence Director in carrying out the duties and respon-  
11    sibilities of the Director under this Act, the National Secu-  
12    rity Act of 1947 (50 U.S.C. 401 et seq.), and other appli-  
13    cable provisions of law, and to carry out such other duties  
14    as may be prescribed by the President or by law.

15            (c) COMPOSITION.—The Office of the National Intel-  
16    ligence Director is composed of the following:

17                 (1) The Principal Deputy National Intelligence  
18     Director.

19                 (2) Any Deputy National Intelligence Director  
20     appointed under section 122(b).

21                 (3) The National Intelligence Council.

22                 (4) The General Counsel of the National Intel-  
23     ligence Authority.

24                 (5) The Intelligence Comptroller.

1           (6) The Officer for Civil Rights and Civil Lib-  
2           erties of the National Intelligence Authority.

3           (7) The Privacy Officer of the National Intel-  
4           ligence Authority.

5           (8) The Chief Information Officer of the Na-  
6           tional Intelligence Authority.

7           (9) The Chief Human Capital Officer of the  
8           National Intelligence Authority.

9           (10) The Chief Financial Officer of the Na-  
10          tional Intelligence Authority.

11          (11) The National Counterintelligence Execu-  
12          tive (including the Office of the National Counter-  
13          intelligence Executive).

14          (12) Such other offices and officials as may be  
15          established by law or the Director may establish or  
16          designate in the Office.

17          (d) STAFF.—(1) To assist the National Intelligence  
18          Director in fulfilling the duties and responsibilities of the  
19          Director, the Director shall employ and utilize in the Of-  
20          fice of the National Intelligence Director a professional  
21          staff having an expertise in matters relating to such duties  
22          and responsibilities, and may establish permanent posi-  
23          tions and appropriate rates of pay with respect to that  
24          staff.

1       (2) The staff of the Office of the National Intelligence  
2 Director under paragraph (1) shall include the staff of the  
3 Office of the Deputy Director of Central Intelligence for  
4 Community Management that is transferred to the Office  
5 of the National Intelligence Director under section 321.

6       (e) PROHIBITION ON CO-LOCATION WITH OTHER  
7 ELEMENTS OF INTELLIGENCE COMMUNITY.—Com-  
8 mencing as of October 1, 2006, the Office of the National  
9 Intelligence Director may not be co-located with any other  
10 element of the intelligence community.

11 **SEC. 122. DEPUTY NATIONAL INTELLIGENCE DIRECTORS.**

12       (a) PRINCIPAL DEPUTY NATIONAL INTELLIGENCE  
13 DIRECTOR.—(1) There is a Principal Deputy National In-  
14 telligence Director who shall be appointed by the Presi-  
15 dent, by and with the advice and consent of the Senate.

16       (2) In the event of a vacancy in the position of Prin-  
17 cipal Deputy National Intelligence Director, the National  
18 Intelligence Director shall recommend to the President an  
19 individual for appointment as Principal Deputy National  
20 Intelligence Director.

21       (3) Any individual nominated for appointment as  
22 Principal Deputy National Intelligence Director shall have  
23 extensive national security experience and management  
24 expertise.

1       (4) The individual serving as Principal Deputy Na-  
2 tional Intelligence Director may not, while so serving,  
3 serve in any capacity in any other element of the intel-  
4 ligence community, except to the extent that the individual  
5 serving as Principal Deputy National Intelligence Director  
6 is doing so in an acting capacity.

7       (5) The Principal Deputy National Intelligence Di-  
8 rector shall assist the National Intelligence Director in  
9 carrying out the duties and responsibilities of the Director.

10       (6) The Principal Deputy National Intelligence Di-  
11 rector shall act for, and exercise the powers of, the Na-  
12 tional Intelligence Director during the absence or dis-  
13 ability of the National Intelligence Director or during a  
14 vacancy in the position of National Director of Intel-  
15 ligence.

16       (b) DEPUTY NATIONAL INTELLIGENCE DIREC-  
17 TORS.—(1) There may be not more than four Deputy Na-  
18 tional Intelligence Directors who shall be appointed by the  
19 President.

20       (2) In the event of a vacancy in any position of Dep-  
21 uty National Intelligence Director established under this  
22 subsection, the National Intelligence Director shall rec-  
23 ommend to the President an individual for appointment  
24 to such position.

1       (3) Each Deputy National Intelligence Director ap-  
2       pointed under this subsection shall have such duties, re-  
3       sponsibilities, and authorities as the National Intelligence  
4       Director may assign or are specified by law.

5       **SEC. 123. NATIONAL INTELLIGENCE COUNCIL.**

6       (a) NATIONAL INTELLIGENCE COUNCIL.—There is a  
7       National Intelligence Council.

8       (b) COMPOSITION.—(1) The National Intelligence  
9       Council shall be composed of senior analysts within the  
10      intelligence community and substantive experts from the  
11      public and private sector, who shall be appointed by, re-  
12      port to, and serve at the pleasure of, the National Intel-  
13      ligence Director.

14      (2) The Director shall prescribe appropriate security  
15      requirements for personnel appointed from the private sec-  
16      tor as a condition of service on the Council, or as contrac-  
17      tors of the Council or employees of such contractors, to  
18      ensure the protection of intelligence sources and methods  
19      while avoiding, wherever possible, unduly intrusive re-  
20      quirements which the Director considers to be unnecessary  
21      for this purpose.

22      (c) DUTIES AND RESPONSIBILITIES.—(1) The Na-  
23      tional Intelligence Council shall—

24              (A) produce national intelligence estimates for  
25      the United States Government, including alternative



1 views held by elements of the intelligence community  
2 and other information as specified in paragraph (2);

3 (B) evaluate community-wide collection and  
4 production of intelligence by the intelligence commu-  
5 nity and the requirements and resources of such col-  
6 lection and production; and

7 (C) otherwise assist the National Intelligence  
8 Director in carrying out the responsibilities of the  
9 Director under section 111.

10 (2) The National Intelligence Director shall ensure  
11 that the Council satisfies the needs of policymakers and  
12 other consumers of intelligence by ensuring that each na-  
13 tional intelligence estimate under paragraph (1)—

14 (A) states separately, and distinguishes be-  
15 tween, the intelligence underlying such estimate and  
16 the assumptions and judgments of analysts with re-  
17 spect to such intelligence and such estimate;

18 (B) describes the quality and reliability of the  
19 intelligence underlying such estimate;

20 (C) presents and explains alternative conclu-  
21 sions, if any, with respect to the intelligence under-  
22 lying such estimate and such estimate; and

23 (D) characterizes the uncertainties, if any, and  
24 confidence in such estimate.

1 (d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.—

2 Within their respective areas of expertise and under the  
3 direction of the National Intelligence Director, the mem-  
4 bers of the National Intelligence Council shall constitute  
5 the senior intelligence advisers of the intelligence commu-  
6 nity for purposes of representing the views of the intel-  
7 ligence community within the United States Government.

8 (e) AUTHORITY TO CONTRACT.—Subject to the di-  
9 rection and control of the National Intelligence Director,  
10 the National Intelligence Council may carry out its respon-  
11 sibilities under this section by contract, including con-  
12 tracts for substantive experts necessary to assist the  
13 Council with particular assessments under this section.

14 (f) STAFF.—The National Intelligence Director shall  
15 make available to the National Intelligence Council such  
16 staff as may be necessary to permit the Council to carry  
17 out its responsibilities under this section.

18 (g) AVAILABILITY OF COUNCIL AND STAFF.—(1)  
19 The National Intelligence Director shall take appropriate  
20 measures to ensure that the National Intelligence Council  
21 and its staff satisfy the needs of policymaking officials and  
22 other consumers of intelligence.

23 (2) The Council shall be readily accessible to policy-  
24 making officials and other appropriate individuals not oth-  
25 erwise associated with the intelligence community.

1       (h) SUPPORT.—The heads of the elements of the in-  
2   telligence community shall, as appropriate, furnish such  
3   support to the National Intelligence Council, including the  
4   preparation of intelligence analyses, as may be required  
5   by the National Intelligence Director.

6   **SEC. 124. GENERAL COUNSEL OF THE NATIONAL INTEL-**  
7                   **LIGENCE AUTHORITY.**

8       (a) GENERAL COUNSEL OF NATIONAL INTEL-  
9   LIGENCE AUTHORITY.—There is a General Counsel of the  
10   National Intelligence Authority who shall be appointed  
11   from civilian life by the President, by and with the advice  
12   and consent of the Senate.

13       (b) PROHIBITION ON DUAL SERVICE AS GENERAL  
14   COUNSEL OF ANOTHER AGENCY.—The individual serving  
15   in the position of General Counsel of the National Intel-  
16   ligence Authority may not, while so serving, also serve as  
17   the General Counsel of any other department, agency, or  
18   element of the United States Government.

19       (c) SCOPE OF POSITION.—The General Counsel of  
20   the National Intelligence Authority is the chief legal offi-  
21   cer of the National Intelligence Authority.

22       (d) FUNCTIONS.—The General Counsel of the Na-  
23   tional Intelligence Authority shall perform such functions  
24   as the National Intelligence Director may prescribe.

1 **SEC. 125. INTELLIGENCE COMPTROLLER.**

2 (a) INTELLIGENCE COMPTROLLER.—There is an In-  
3 telligence Comptroller who shall be appointed from civilian  
4 life by the National Intelligence Director.

5 (b) SUPERVISION.—The Intelligence Comptroller  
6 shall report directly to the National Intelligence Director.

7 (c) DUTIES.—The Intelligence Comptroller shall—

8 (1) assist the National Intelligence Director in  
9 the preparation and execution of the budget of the  
10 elements of the intelligence community within the  
11 National Intelligence Program;

12 (2) assist the Director in participating in the  
13 development by the Secretary of Defense of the an-  
14 nual budget for military intelligence programs and  
15 activities outside the National Intelligence Program;

16 (3) provide unfettered access to the Director to  
17 financial information under the National Intelligence  
18 Program;

19 (4) perform such other duties as may be pre-  
20 scribed by the Director or specified by law.

21 **SEC. 126. OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-**  
22 **ERTIES OF THE NATIONAL INTELLIGENCE**  
23 **AUTHORITY.**

24 (a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-  
25 ERTIES OF NATIONAL INTELLIGENCE AUTHORITY.—  
26 There is an Officer for Civil Rights and Civil Liberties

1 of the National Intelligence Authority who shall be ap-  
2 pointed by the President.

3 (b) SUPERVISION.—The Officer for Civil Rights and  
4 Civil Liberties of the National Intelligence Authority shall  
5 report directly to the National Intelligence Director.

6 (c) DUTIES.—The Officer for Civil Rights and Civil  
7 Liberties of the National Intelligence Authority shall—

8 (1) assist the National Intelligence Director in  
9 ensuring that the protection of civil rights and civil  
10 liberties, as provided in the Constitution, laws, regu-  
11 lations, and Executive orders of the United States,  
12 is appropriately incorporated in—

13 (A) the policies and procedures developed  
14 for and implemented by the National Intel-  
15 ligence Authority;

16 (B) the policies and procedures regarding  
17 the relationships among the elements of the in-  
18 telligence community within the National Intel-  
19 ligence Program; and

20 (C) the policies and procedures regarding  
21 the relationships between the elements of the  
22 intelligence community within the National In-  
23 telligence Program and the other elements of  
24 the intelligence community;

1           (2) oversee compliance by the Authority, and in  
2           the relationships described in paragraph (1), with  
3           requirements under the Constitution and all laws,  
4           regulations, Executive orders, and implementing  
5           guidelines relating to civil rights and civil liberties;

6           (3) review, investigate, and assess complaints  
7           and other information indicating possible abuses of  
8           civil rights or civil liberties, as provided in the Con-  
9           stitution, laws, regulations, and Executive orders of  
10          the United States, in the administration of the pro-  
11          grams and operations of the Authority, and in the  
12          relationships described in paragraph (1), unless, in  
13          the determination of the Inspector General of the  
14          National Intelligence Authority, the review, inves-  
15          tigation, or assessment of a particular complaint or  
16          information can better be conducted by the Inspec-  
17          tor General;

18          (4) coordinate with the Privacy Officer of the  
19          National Intelligence Authority to ensure that pro-  
20          grams, policies, and procedures involving civil rights,  
21          civil liberties, and privacy considerations are ad-  
22          dressed in an integrated and comprehensive manner;  
23          and

24          (5) perform such other duties as may be pre-  
25          scribed by the Director or specified by law.

1 **SEC. 127. PRIVACY OFFICER OF THE NATIONAL INTEL-**  
2 **LIGENCE AUTHORITY.**

3 (a) PRIVACY OFFICER OF NATIONAL INTELLIGENCE  
4 AUTHORITY.—There is a Privacy Officer of the National  
5 Intelligence Authority who shall be appointed by the Na-  
6 tional Intelligence Director.

7 (b) DUTIES.—(1) The Privacy Officer of the National  
8 Intelligence Authority shall have primary responsibility for  
9 the privacy policy of the National Intelligence Authority  
10 (including in the relationships among the elements of the  
11 intelligence community within the National Intelligence  
12 Program and the relationships between the elements of the  
13 intelligence community within the National Intelligence  
14 Program and the other elements of the intelligence com-  
15 munity).

16 (2) In discharging the responsibility under paragraph  
17 (1), the Privacy Officer shall—

18 (A) assure that the use of technologies sustain,  
19 and do not erode, privacy protections relating to the  
20 use, collection, and disclosure of personal informa-  
21 tion;

22 (B) assure that personal information contained  
23 in Privacy Act systems of records is handled in full  
24 compliance with fair information practices as set out  
25 in the Privacy Act of 1974;

1 (C) conduct privacy impact assessments when  
2 appropriate or as required by law; and

3 (D) coordinate with the Officer for Civil Rights  
4 and Civil Liberties of the National Intelligence Au-  
5 thority to ensure that programs, policies, and proce-  
6 dures involving civil rights, civil liberties, and pri-  
7 vacy considerations are addressed in an integrated  
8 and comprehensive manner.

9 **SEC. 128. CHIEF INFORMATION OFFICER OF THE NATIONAL**  
10 **INTELLIGENCE AUTHORITY.**

11 (a) CHIEF INFORMATION OFFICER OF NATIONAL IN-  
12 TELLIGENCE AUTHORITY.—There is a Chief Information  
13 Officer of the National Intelligence Authority who shall  
14 be appointed by the National Intelligence Director.

15 (b) DUTIES.—The Chief Information Officer of the  
16 National Intelligence Authority shall—

17 (1) assist the National Intelligence Director in  
18 implementing the responsibilities and executing the  
19 authorities related to information technology under  
20 paragraphs (15) and (16) of section 112(a) and sec-  
21 tion 113(h); and

22 (2) perform such other duties as may be pre-  
23 scribed by the Director or specified by law.



1 **SEC. 129. CHIEF HUMAN CAPITAL OFFICER OF THE NA-**  
2 **TIONAL INTELLIGENCE AUTHORITY.**

3 (a) CHIEF HUMAN CAPITAL OFFICER OF NATIONAL  
4 INTELLIGENCE AUTHORITY.—There is a Chief Human  
5 Capital Officer of the National Intelligence Authority who  
6 shall be appointed by the National Intelligence Director.

7 (b) DUTIES.—The Chief Human Capital Officer of  
8 the National Intelligence Authority shall—

9 (1) have the functions and authorities provided  
10 for Chief Human Capital Officers under sections  
11 1401 and 1402 of title 5, United States Code, with  
12 respect to the National Intelligence Authority; and

13 (2) advise and assist the National Intelligence  
14 Director in exercising the authorities and respon-  
15 sibilities of the Director with respect to the work-  
16 force of the intelligence community as a whole.

17 **SEC. 130. CHIEF FINANCIAL OFFICER OF THE NATIONAL IN-**  
18 **TELLIGENCE AUTHORITY.**

19 (a) CHIEF FINANCIAL OFFICER OF NATIONAL IN-  
20 TELLIGENCE AUTHORITY.—There is a Chief Financial Of-  
21 ficer of the National Intelligence Authority who shall be  
22 designated by the President, in consultation with the Na-  
23 tional Intelligence Director.

24 (b) DESIGNATION REQUIREMENTS.—The designation  
25 of an individual as Chief Financial Officer of the National

1 Intelligence Authority shall be subject to applicable provi-  
2 sions of section 901(a) of title 31, United States Code.

3 (c) AUTHORITIES AND FUNCTIONS.—The Chief Fi-  
4 nancial Officer of the National Intelligence Authority shall  
5 have such authorities, and carry out such functions, with  
6 respect to the National Intelligence Authority as are pro-  
7 vided for an agency Chief Financial Officer by section 902  
8 of title 31, United States Code, and other applicable provi-  
9 sions of law.

10 (d) COORDINATION WITH NIA COMPTROLLER.—(1)  
11 The Chief Financial Officer of the National Intelligence  
12 Authority shall coordinate with the Comptroller of the Na-  
13 tional Intelligence Authority in exercising the authorities  
14 and performing the functions provided for the Chief Fi-  
15 nancial Officer under this section.

16 (2) The National Intelligence Director shall take such  
17 actions as are necessary to prevent duplication of effort  
18 by the Chief Financial Officer of the National Intelligence  
19 Authority and the Comptroller of the National Intelligence  
20 Authority.

21 (e) INTEGRATION OF FINANCIAL SYSTEMS.—Subject  
22 to the supervision, direction, and control of the National  
23 Intelligence Director, the Chief Financial Officer of the  
24 National Intelligence Authority shall take appropriate ac-  
25 tions to ensure the timely and effective integration of the

1 financial systems of the National Intelligence Authority  
2 (including any elements or components transferred to the  
3 Authority by this Act), and of the financial systems of the  
4 Authority with applicable portions of the financial systems  
5 of the other elements of the intelligence community, as  
6 soon as possible after the date of the enactment of this  
7 Act.

8 (f) PROTECTION OF ANNUAL FINANCIAL STATE-  
9 MENT FROM DISCLOSURE.—The annual financial state-  
10 ment of the National Intelligence Authority required  
11 under section 3515 of title 31, United States Code—

- 12 (1) shall be submitted in classified form; and  
13 (2) notwithstanding any other provision of law,  
14 shall be withheld from public disclosure.

15 **SEC. 131. NATIONAL COUNTERINTELLIGENCE EXECUTIVE.**

16 (a) NATIONAL COUNTERINTELLIGENCE EXECU-  
17 TIVE.—The National Counterintelligence Executive under  
18 section 902 of the Counterintelligence Enhancement Act  
19 of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b  
20 et seq.), as amended by section 309 of this Act, is a com-  
21 ponent of the Office of the National Intelligence Director.

22 (b) DUTIES.—The National Counterintelligence Ex-  
23 ecutive shall perform the duties provided in the Counter-  
24 intelligence Enhancement Act of 2002, as so amended,

1 and such other duties as may be prescribed by the Na-  
2 tional Intelligence Director or specified by law.

3 **Subtitle D—Additional Elements of**  
4 **National Intelligence Authority**

5 **SEC. 141. INSPECTOR GENERAL OF THE NATIONAL INTEL-**  
6 **LIGENCE AUTHORITY.**

7 (a) OFFICE OF INSPECTOR GENERAL OF NATIONAL  
8 INTELLIGENCE AUTHORITY.—There is within the Na-  
9 tional Intelligence Authority an Office of the Inspector  
10 General of the National Intelligence Authority.

11 (b) PURPOSE.—The purpose of the Office of the In-  
12 spector General of the National Intelligence Authority is  
13 to—

14 (1) create an objective and effective office, ap-  
15 propriately accountable to Congress, to initiate and  
16 conduct independently investigations, inspections,  
17 and audits relating to—

18 (A) the programs and operations of the  
19 National Intelligence Authority;

20 (B) the relationships among the elements  
21 of the intelligence community within the Na-  
22 tional Intelligence Program; and

23 (C) the relationships between the elements  
24 of the intelligence community within the Na-

1           tional Intelligence Program and the other ele-  
2           ments of the intelligence community;

3           (2) recommend policies designed—

4                 (A) to promote economy, efficiency, and ef-  
5                 fectiveness in the administration of such pro-  
6                 grams and operations, and in such relation-  
7                 ships; and

8                 (B) to prevent and detect fraud and abuse  
9                 in such programs, operations, and relationships;

10           (3) provide a means for keeping the National  
11           Intelligence Director fully and currently informed  
12           about—

13                 (A) problems and deficiencies relating to  
14                 the administration of such programs and oper-  
15                 ations, and to such relationships; and

16                 (C) the necessity for, and the progress of,  
17                 corrective actions; and

18           (4) in the manner prescribed by this section,  
19           ensure that the congressional intelligence committees  
20           are kept similarly informed of—

21                 (A) significant problems and deficiencies  
22                 relating to the administration of such programs  
23                 and operations, and to such relationships; and

24                 (B) the necessity for, and the progress of,  
25                 corrective actions.

1       (c) INSPECTOR GENERAL OF NATIONAL INTEL-  
2 LIGENCE AUTHORITY.—(1) There is an Inspector General  
3 of the National Intelligence Authority, who shall be the  
4 head of the Office of the Inspector General of the National  
5 Intelligence Authority, who shall be appointed by the  
6 President, by and with the advice and consent of the Sen-  
7 ate.

8       (2) The nomination of an individual for appointment  
9 as Inspector General shall be made—

10           (A) without regard to political affiliation;

11           (B) solely on the basis of integrity, compliance  
12 with the security standards of the National Intel-  
13 ligence Authority, and prior experience in the field  
14 of intelligence or national security; and

15           (C) on the basis of demonstrated ability in ac-  
16 counting, financial analysis, law, management anal-  
17 ysis, public administration, or auditing.

18       (3) The Inspector General shall report directly to and  
19 be under the general supervision of the National Intel-  
20 ligence Director.

21       (4) The Inspector General may be removed from of-  
22 fice only by the President. The President shall imme-  
23 diately communicate in writing to the congressional intel-  
24 ligence committees the reasons for the removal of any indi-  
25 vidual from the position of Inspector General.

1 (d) DUTIES AND RESPONSIBILITIES.—It shall be the  
2 duty and responsibility of the Inspector General of the Na-  
3 tional Intelligence Authority—

4 (1) to provide policy direction for, and to plan,  
5 conduct, supervise, and coordinate independently,  
6 the investigations, inspections, and audits relating to  
7 the programs and operations of the National Intel-  
8 ligence Authority, the relationships among the ele-  
9 ments of the intelligence community within the Na-  
10 tional Intelligence Program, and the relationships  
11 between the elements of the intelligence community  
12 within the National Intelligence Program and the  
13 other elements of the intelligence community to en-  
14 sure they are conducted efficiently and in accordance  
15 with applicable law and regulations;

16 (2) to keep the National Intelligence Director  
17 fully and currently informed concerning violations of  
18 law and regulations, violations of civil liberties and  
19 privacy, and fraud and other serious problems,  
20 abuses, and deficiencies that may occur in such pro-  
21 grams and operations, and in such relationships, and  
22 to report the progress made in implementing correc-  
23 tive action;

24 (3) to take due regard for the protection of in-  
25 telligence sources and methods in the preparation of

1 all reports issued by the Inspector General, and, to  
2 the extent consistent with the purpose and objective  
3 of such reports, take such measures as may be ap-  
4 propriate to minimize the disclosure of intelligence  
5 sources and methods described in such reports; and

6 (4) in the execution of the duties and respon-  
7 sibilities under this section, to comply with generally  
8 accepted government auditing standards.

9 (e) LIMITATIONS ON ACTIVITIES.—(1) The National  
10 Intelligence Director may prohibit the Inspector General  
11 of the National Intelligence Authority from initiating, car-  
12 rying out, or completing any investigation, inspection, or  
13 audit if the Director determines that such prohibition is  
14 necessary to protect vital national security interests of the  
15 United States.

16 (2) If the Director exercises the authority under  
17 paragraph (1), the Director shall submit an appropriately  
18 classified statement of the reasons for the exercise of such  
19 authority within seven days to the congressional intel-  
20 ligence committees.

21 (3) The Director shall advise the Inspector General  
22 at the time a report under paragraph (1) is submitted,  
23 and, to the extent consistent with the protection of intel-  
24 ligence sources and methods, provide the Inspector Gen-  
25 eral with a copy of such report.



1       (4) The Inspector General may submit to the con-  
2 gressional intelligence committees any comments on a re-  
3 port of which the Inspector General has notice under para-  
4 graph (3) that the Inspector General considers appro-  
5 priate.

6       (f) AUTHORITIES.—(1) The Inspector General of the  
7 National Intelligence Authority shall have direct and  
8 prompt access to the National Intelligence Director when  
9 necessary for any purpose pertaining to the performance  
10 of the duties of the Inspector General.

11       (2)(A) The Inspector General shall have access to any  
12 employee, or any employee of a contractor, of the National  
13 Intelligence Authority, and of any other element of the in-  
14 telligence community within the National Intelligence Pro-  
15 gram, whose testimony is needed for the performance of  
16 the duties of the Inspector General.

17       (B) The Inspector General shall have direct access  
18 to all records, reports, audits, reviews, documents, papers,  
19 recommendations, or other material which relate to the  
20 programs and operations with respect to which the Inspec-  
21 tor General has responsibilities under this section.

22       (C) The level of classification or compartmentation  
23 of information shall not, in and of itself, provide a suffi-  
24 cient rationale for denying the Inspector General access  
25 to any materials under subparagraph (B).

1       (D) Failure on the part of any employee or contractor  
2 of the National Intelligence Authority to cooperate with  
3 the Inspector General shall be grounds for appropriate ad-  
4 ministrative actions by the Director, including loss of em-  
5 ployment or the termination of an existing contractual re-  
6 lationship.

7       (3) The Inspector General is authorized to receive  
8 and investigate complaints or information from any person  
9 concerning the existence of an activity constituting a viola-  
10 tion of laws, rules, or regulations, or mismanagement,  
11 gross waste of funds, abuse of authority, or a substantial  
12 and specific danger to the public health and safety. Once  
13 such complaint or information has been received from an  
14 employee of the Federal government—

15           (A) the Inspector General shall not disclose the  
16 identity of the employee without the consent of the  
17 employee, unless the Inspector General determines  
18 that such disclosure is unavoidable during the course  
19 of the investigation or the disclosure is made to an  
20 official of the Department of Justice responsible for  
21 determining whether a prosecution should be under-  
22 taken; and

23           (B) no action constituting a reprisal, or threat  
24 of reprisal, for making such complaint may be taken  
25 by any employee in a position to take such actions,

1        unless the complaint was made or the information  
2        was disclosed with the knowledge that it was false  
3        or with willful disregard for its truth or falsity.

4        (4) The Inspector General shall have authority to ad-  
5        minister to or take from any person an oath, affirmation,  
6        or affidavit, whenever necessary in the performance of the  
7        duties of the Inspector General, which oath, affirmation,  
8        or affidavit when administered or taken by or before an  
9        employee of the Office of the Inspector General of the Na-  
10       tional Intelligence Authority designated by the Inspector  
11       General shall have the same force and effect as if adminis-  
12       tered or taken by or before an officer having a seal.

13       (5)(A) Except as provided in subparagraph (B), the  
14       Inspector General is authorized to require by subpoena the  
15       production of all information, documents, reports, an-  
16       swers, records, accounts, papers, and other data and docu-  
17       mentary evidence necessary in the performance of the du-  
18       ties and responsibilities of the Inspector General.

19       (B) In the case of departments, agencies, and other  
20       elements of the United States Government, the Inspector  
21       General shall obtain information, documents, reports, an-  
22       swers, records, accounts, papers, and other data and evi-  
23       dence for the purpose specified in subparagraph (A) using  
24       procedures other than by subpoenas.

1       (C) The Inspector General may not issue a subpoena  
2 for or on behalf of any other element or component of the  
3 Authority.

4       (D) In the case of contumacy or refusal to obey a  
5 subpoena issued under this paragraph, the subpoena shall  
6 be enforceable by order of any appropriate district court  
7 of the United States.

8       (g) STAFF AND OTHER SUPPORT.—(1) The Inspec-  
9 tor General of the National Intelligence Authority shall be  
10 provided with appropriate and adequate office space at  
11 central and field office locations, together with such equip-  
12 ment, office supplies, maintenance services, and commu-  
13 nications facilities and services as may be necessary for  
14 the operation of such offices.

15       (2)(A) Subject to applicable law and the policies of  
16 the National Intelligence Director, the Inspector General  
17 shall select, appoint and employ such officers and employ-  
18 ees as may be necessary to carry out the functions of the  
19 Inspector General.

20       (B) In making selections under subparagraph (A),  
21 the Inspector General shall ensure that such officers and  
22 employees have the requisite training and experience to  
23 enable the Inspector General to carry out the duties of  
24 the Inspector General effectively.

1       (C) In meeting the requirements of this paragraph,  
2 the Inspector General shall create within the Office of the  
3 Inspector General of the National Intelligence Authority  
4 a career cadre of sufficient size to provide appropriate con-  
5 tinuity and objectivity needed for the effective perform-  
6 ance of the duties of the Inspector General.

7       (3)(A) Subject to the concurrence of the Director, the  
8 Inspector General may request such information or assist-  
9 ance as may be necessary for carrying out the duties and  
10 responsibilities of the Inspector General from any depart-  
11 ment, agency, or other element of the United States Gov-  
12 ernment.

13       (B) Upon request of the Inspector General for infor-  
14 mation or assistance under subparagraph (A), the head  
15 of the department, agency, or element concerned shall, in-  
16 sofar as is practicable and not in contravention of any ex-  
17 isting statutory restriction or regulation of the depart-  
18 ment, agency, or element, furnish to the Inspector Gen-  
19 eral, or to an authorized designee, such information or as-  
20 sistance.

21       (h) REPORTS.—(1)(A) The Inspector General of the  
22 National Intelligence Authority shall, not later than Janu-  
23 ary 31 and July 31 of each year, prepare and submit to  
24 the National Intelligence Director a classified semiannual  
25 report summarizing the activities of the Office of the In-

1   specter General of the National Intelligence Authority  
2   during the immediately preceding six-month periods end-  
3   ing December 31 (of the preceding year) and June 30,  
4   respectively.

5       (B) Each report under this paragraph shall include,  
6   at a minimum, the following:

7           (i) A list of the title or subject of each inves-  
8       tigation, inspection, or audit conducted during the  
9       period covered by such report.

10          (ii) A description of significant problems,  
11       abuses, and deficiencies relating to the administra-  
12       tion of programs and operations of the National In-  
13       telligence Authority identified by the Inspector Gen-  
14       eral during the period covered by such report.

15          (iii) A description of the recommendations for  
16       corrective action made by the Inspector General dur-  
17       ing the period covered by such report with respect  
18       to significant problems, abuses, or deficiencies iden-  
19       tified in clause (ii).

20          (iv) A statement whether or not corrective ac-  
21       tion has been completed on each significant rec-  
22       ommendation described in previous semiannual re-  
23       ports, and, in a case where corrective action has  
24       been completed, a description of such corrective ac-  
25       tion.

1           (v) An assessment of the effectiveness of all  
2           measures in place in the Authority for the protection  
3           of civil liberties and privacy of United States per-  
4           sons.

5           (vi) A certification whether or not the Inspector  
6           General has had full and direct access to all infor-  
7           mation relevant to the performance of the functions  
8           of the Inspector General.

9           (vii) A description of the exercise of the sub-  
10          poena authority under subsection (f)(5) by the In-  
11          spector General during the period covered by such  
12          report.

13          (viii) Such recommendations as the Inspector  
14          General considers appropriate for legislation to pro-  
15          mote economy and efficiency in the administration of  
16          programs and operations undertaken by the Author-  
17          ity, and to detect and eliminate fraud and abuse in  
18          such programs and operations.

19          (C) Not later than the 30 days after the date of re-  
20          ceipt of a report under subparagraph (A), the Director  
21          shall transmit the report to the congressional intelligence  
22          committees together with any comments the Director con-  
23          siders appropriate.

24          (2)(A) The Inspector General shall report imme-  
25          diately to the Director whenever the Inspector General be-

1 comes aware of particularly serious or flagrant problems,  
2 abuses, or deficiencies relating to the administration of  
3 programs or operations of the Authority, a relationship be-  
4 tween the elements of the intelligence community within  
5 the National Intelligence Program, or a relationship be-  
6 tween an element of the intelligence community within the  
7 National Intelligence Program and another element of the  
8 intelligence community.

9 (B) The Director shall transmit to the congressional  
10 intelligence committees each report under subparagraph  
11 (A) within seven calendar days of receipt of such report,  
12 together with such comments as the Director considers ap-  
13 propriate.

14 (3) In the event that—

15 (A) the Inspector General is unable to resolve  
16 any differences with the Director affecting the exe-  
17 cution of the duties or responsibilities of the Inspec-  
18 tor General;

19 (B) an investigation, inspection, or audit car-  
20 ried out by the Inspector General should focus on  
21 any current or former Authority official who holds  
22 or held a position in the Authority that is subject to  
23 appointment by the President, by and with the ad-  
24 vice and consent of the Senate, including such a po-  
25 sition held on an acting basis;



1 (C) a matter requires a report by the Inspector  
2 General to the Department of Justice on possible  
3 criminal conduct by a current or former official de-  
4 scribed in subparagraph (B);

5 (D) the Inspector General receives notice from  
6 the Department of Justice declining or approving  
7 prosecution of possible criminal conduct of any cur-  
8 rent or former official described in subparagraph  
9 (B); or

10 (E) the Inspector General, after exhausting all  
11 possible alternatives, is unable to obtain significant  
12 documentary information in the course of an inves-  
13 tigation, inspection, or audit,  
14 the Inspector General shall immediately notify and submit  
15 a report on such matter to the congressional intelligence  
16 committees.

17 (4) Pursuant to title V of the National Security Act  
18 of 1947 (50 U.S.C. 413 et seq.), the Director shall submit  
19 to the congressional intelligence committees any report or  
20 findings and recommendations of an investigation, inspec-  
21 tion, or audit conducted by the office which has been re-  
22 quested by the Chairman or Ranking Minority Member  
23 of either committee.

24 (5)(A) An employee of the Authority, an employee of  
25 an entity other than the Authority who is assigned or de-

1   tailed to the Authority, or an employee of a contractor  
2   to the Authority who intends to report to Congress a com-  
3   plaint or information with respect to an urgent concern  
4   may report such complaint or information to the Inspector  
5   General.

6       (B) Not later than the end of the 14-calendar day  
7   period beginning on the date of receipt from an employee  
8   of a complaint or information under subparagraph (A),  
9   the Inspector General shall determine whether the com-  
10  plaint or information appears credible. Upon making such  
11  a determination, the Inspector General shall transmit to  
12  the Director a notice of that determination, together with  
13  the complaint or information.

14       (C) Upon receipt of a transmittal from the Inspector  
15  General under subparagraph (B), the Director shall, with-  
16  in seven calendar days of such receipt, forward such trans-  
17  mittal to the congressional intelligence committees, to-  
18  gether with any comments the Director considers appro-  
19  priate.

20       (D)(i) If the Inspector General does not find credible  
21  under subparagraph (B) a complaint or information sub-  
22  mitted under subparagraph (A), or does not transmit the  
23  complaint or information to the Director in accurate form  
24  under subparagraph (B), the employee (subject to clause  
25  (ii)) may submit the complaint or information to Congress

1 by contacting either or both of the congressional intel-  
2 ligence committees directly.

3 (ii) An employee may contact the intelligence commit-  
4 tees directly as described in clause (i) only if the em-  
5 ployee—

6 (I) before making such a contact, furnishes to  
7 the Director, through the Inspector General, a state-  
8 ment of the employee's complaint or information and  
9 notice of the employee's intent to contact the con-  
10 gressional intelligence committees directly; and

11 (II) obtains and follows from the Director,  
12 through the Inspector General, direction on how to  
13 contact the intelligence committees in accordance  
14 with appropriate security practices.

15 (iii) A member or employee of one of the congres-  
16 sional intelligence committees who receives a complaint or  
17 information under clause (i) does so in that member or  
18 employee's official capacity as a member or employee of  
19 such committee.

20 (E) The Inspector General shall notify an employee  
21 who reports a complaint or information to the Inspector  
22 General under this paragraph of each action taken under  
23 this paragraph with respect to the complaint or informa-  
24 tion. Such notice shall be provided not later than three  
25 days after any such action is taken.

1 (F) An action taken by the Director or the Inspector  
2 General under this paragraph shall not be subject to judi-  
3 cial review.

4 (G) In this paragraph, the term “urgent concern”  
5 means any of the following:

6 (i) A serious or flagrant problem, abuse, viola-  
7 tion of law or Executive order, or deficiency relating  
8 to the funding, administration, or operations of an  
9 intelligence activity involving classified information,  
10 but does not include differences of opinions con-  
11 cerning public policy matters.

12 (ii) A false statement to Congress, or a willful  
13 withholding from Congress, on an issue of material  
14 fact relating to the funding, administration, or oper-  
15 ation of an intelligence activity.

16 (iii) An action, including a personnel action de-  
17 scribed in section 2302(a)(2)(A) of title 5, United  
18 States Code, constituting reprisal or threat of re-  
19 prisal prohibited under subsection (f)(3)(B) of this  
20 section in response to an employee’s reporting an ur-  
21 gent concern in accordance with this paragraph.

22 (H) In support of this paragraph, Congress makes  
23 the findings set forth in paragraphs (1) through (6) of  
24 section 701(b) of the Intelligence Community Whistle-

1 blower Protection Act of 1998 (title VII of Public Law  
2 105–272; 5 U.S.C. App. 8H note).

3       (6) In accordance with section 535 of title 28, United  
4 States Code, the Inspector General shall report to the At-  
5 torney General any information, allegation, or complaint  
6 received by the Inspector General relating to violations of  
7 Federal criminal law that involve a program or operation  
8 of the Authority, consistent with such guidelines as may  
9 be issued by the Attorney General pursuant to subsection  
10 (b)(2) of such section. A copy of each such report shall  
11 be furnished to the Director.

12       (i) SEPARATE BUDGET ACCOUNT.—The National In-  
13 telligence Director shall, in accordance with procedures to  
14 be issued by the Director in consultation with the congres-  
15 sional intelligence committees, include in the National In-  
16 telligence Program budget a separate account for the Of-  
17 fice of Inspector General of the National Intelligence Au-  
18 thority.

19 **SEC. 142. OMBUDSMAN OF THE NATIONAL INTELLIGENCE**  
20 **AUTHORITY.**

21       (a) OMBUDSMAN OF NATIONAL INTELLIGENCE AU-  
22 THORITY.—There is within the National Intelligence Au-  
23 thority an Ombudsman of the National Intelligence Au-  
24 thority who shall be appointed by the National Intelligence  
25 Director.

1 (b) DUTIES.—The Ombudsman of the National Intel-  
2 ligence Authority shall—

3 (1) counsel, arbitrate, or offer recommendations  
4 on, and have the authority to initiate inquiries into,  
5 real or perceived problems of politicization, biased  
6 reporting, or lack of objective analysis within the  
7 National Intelligence Authority, or any element of  
8 the intelligence community within the National Intel-  
9 ligence Program, or regarding any analysis of na-  
10 tional intelligence by any element of the intelligence  
11 community;

12 (2) monitor the effectiveness of measures taken  
13 to deal with real or perceived politicization, biased  
14 reporting, or lack of objective analysis within the  
15 Authority, or any element of the intelligence commu-  
16 nity within the National Intelligence Program, or re-  
17 garding any analysis of national intelligence by any  
18 element of the intelligence community; and

19 (3) conduct reviews of the analytic product or  
20 products of the Authority, or any element of the in-  
21 telligence community within the National Intel-  
22 ligence Program, or of any analysis of national intel-  
23 ligence by any element of the intelligence commu-  
24 nity, with such reviews to be conducted so as to en-  
25 sure that analysis is timely, objective, independent of

1 political considerations, and based upon all sources  
2 available to the intelligence community.

3 (c) ANALYTIC REVIEW UNIT.—(1) There is within  
4 the Office of the Ombudsman of the National Intelligence  
5 Authority an Analytic Review Unit.

6 (2) The Analytic Review Unit shall assist the Om-  
7 budsman of the National Intelligence Authority in per-  
8 forming the duties and responsibilities of the Ombudsman  
9 set forth in subsection (b)(3).

10 (3) The Ombudsman shall provide the Analytic Re-  
11 view Unit a staff who possess expertise in intelligence  
12 analysis that is appropriate for the function of the Unit.

13 (4) In assisting the Ombudsman, the Analytic Review  
14 Unit shall, subject to the direction and control of the Om-  
15 budsman, conduct detailed evaluations of intelligence anal-  
16 ysis by the following:

17 (A) The National Intelligence Council.

18 (B) The elements of the intelligence community  
19 within the National Intelligence Program.

20 (C) To the extent involving the analysis of na-  
21 tional intelligence, other elements of the intelligence  
22 community.

23 (D) The divisions, offices, programs, officers,  
24 and employees of the elements specified in subpara-  
25 graphs (B) and (C).

1       (5) The results of the evaluations under paragraph  
2 (4) shall be provided to the congressional intelligence com-  
3 mittees and, upon request, to appropriate heads of other  
4 departments, agencies, and elements of the executive  
5 branch.

6       (d) ACCESS TO INFORMATION.—In order to carry out  
7 the duties specified in subsection (c), the Ombudsman of  
8 the National Intelligence Authority shall, unless otherwise  
9 directed by the President, have access to all analytic prod-  
10 ucts, field reports, and raw intelligence of any element of  
11 the intelligence community, and to any reports or other  
12 material of an Inspector General, that might be pertinent  
13 to a matter under consideration by the Ombudsman.

14       (e) ANNUAL REPORTS.—The Ombudsman of the Na-  
15 tional Intelligence Authority shall submit to the National  
16 Intelligence Director and the congressional intelligence  
17 committees on an annual basis a report that includes—

18           (1) the assessment of the Ombudsman of the  
19       current level of politicization, biased reporting, or  
20       lack of objective analysis within the National Intel-  
21       ligence Authority, or any element of the intelligence  
22       community within the National Intelligence Pro-  
23       gram, or regarding any analysis of national intel-  
24       ligence by any element of the intelligence commu-  
25       nity;



1           (2) such recommendations for remedial meas-  
2           ures as the Ombudsman considers appropriate; and  
3           (3) an assessment of the effectiveness of reme-  
4           dial measures previously taken within the intel-  
5           ligence community on matters addressed by the Om-  
6           budsman.

7           (f) REFERRAL OF CERTAIN MATTERS FOR INVES-  
8           TIGATION.—In addition to carrying out activities under  
9           this section, the Ombudsman of the National Intelligence  
10          Authority may refer serious cases of misconduct related  
11          to politicization of intelligence information, biased report-  
12          ing, or lack of objective analysis within the intelligence  
13          community to the Inspector General of the National Intel-  
14          ligence Authority for investigation.

15       **SEC. 143. NATIONAL COUNTERTERRORISM CENTER.**

16          (a) NATIONAL COUNTERTERRORISM CENTER.—  
17          There is within the National Intelligence Authority a Na-  
18          tional Counterterrorism Center.

19          (b) DIRECTOR OF NATIONAL COUNTERTERRORISM  
20          CENTER.—(1) There is a Director of the National  
21          Counterterrorism Center, who shall be the head of the Na-  
22          tional Counterterrorism Center, and who shall be ap-  
23          pointed by the President, by and with the advice and con-  
24          sent of the Senate.

1       (2) Any individual nominated for appointment as the  
2 Director of the National Counterterrorism Center shall  
3 have significant expertise in matters relating to the na-  
4 tional security of the United States and matters relating  
5 to terrorism that threatens the national security of the  
6 United States.

7       (3) The individual serving as the Director of the Na-  
8 tional Counterterrorism Center may not, while so serving,  
9 serve in any capacity in any other element of the intel-  
10 ligence community, except to the extent that the individual  
11 serving as Director of the National Counterterrorism Cen-  
12 ter is doing so in an acting capacity.

13       (c) SUPERVISION.—(1) The Director of the National  
14 Counterterrorism Center shall report to the National In-  
15 telligence Director on—

16           (A) the budget and programs of the National  
17 Counterterrorism Center; and

18           (B) the activities of the Directorate of Intel-  
19 ligence of the National Counterterrorism Center  
20 under subsection (g).

21       (2) The Director of the National Counterterrorism  
22 Center shall report to the President and the National In-  
23 telligence Director on the planning and progress of joint  
24 counterterrorism operations.

1 (d) PRIMARY MISSIONS.—The primary missions of  
2 the National Counterterrorism Center shall be as follows:

3 (1) To develop and unify strategy for the civil-  
4 ian and military counterterrorism efforts of the  
5 United States Government.

6 (2) To integrate counterterrorism intelligence  
7 activities of the United States Government, both in-  
8 side and outside the United States.

9 (3) To develop interagency counterterrorism  
10 plans, which plans shall—

11 (A) involve more than one department,  
12 agency, or element of the executive branch (un-  
13 less otherwise directed by the President); and

14 (B) include the mission, objectives to be  
15 achieved, courses of action, parameters for such  
16 courses of action, coordination of agency oper-  
17 ational activities, recommendations for oper-  
18 ational plans, and assignment of departmental  
19 or agency responsibilities.

20 (4) To ensure that the collection of  
21 counterterrorism intelligence, and the conduct of  
22 counterterrorism operations, by the United States  
23 Government are informed by the analysis of all-  
24 source intelligence.

1       (e) DUTIES AND RESPONSIBILITIES OF DIRECTOR OF  
2 NATIONAL COUNTERTERRORISM CENTER.—Notwith-  
3 standing any other provision of law, at the direction of  
4 the President, the National Security Council, and the Na-  
5 tional Intelligence Director, the Director of the National  
6 Counterterrorism Center shall—

7           (1) serve as the principal adviser to the Presi-  
8 dent and the National Intelligence Director on joint  
9 operations relating to counterterrorism;

10          (2) provide unified strategic direction for the ci-  
11 vilian and military counterterrorism efforts of the  
12 United States Government and for the effective inte-  
13 gration and deconfliction of counterterrorism intel-  
14 ligence and operations across agency boundaries,  
15 both inside and outside the United States;

16          (3) advise the President and the National Intel-  
17 ligence Director on the extent to which the  
18 counterterrorism program recommendations and  
19 budget proposals of the departments, agencies, and  
20 elements of the United States Government conform  
21 to the priorities established by the President and the  
22 National Security Council;

23          (4) in accordance with subsection (f), concur in,  
24 or advise the President on, the selections of per-  
25 sonnel to head the operating entities of the United

1 States Government with principal missions relating  
2 to counterterrorism; and

3 (5) perform such other duties as the National  
4 Intelligence Director may prescribe or are prescribed  
5 by law.

6 (f) ROLE OF DIRECTOR OF NATIONAL  
7 COUNTERTERRORISM CENTER IN CERTAIN APPOINT-  
8 MENTS.—(1) In the event of a vacancy in a position re-  
9 ferred to in paragraph (2), the head of the department  
10 or agency having jurisdiction over the position shall obtain  
11 the concurrence of the Director of the National  
12 Counterterrorism Center before appointing an individual  
13 to fill the vacancy or recommending to the President an  
14 individual for nomination to fill the vacancy. If the Direc-  
15 tor does not concur in the recommendation, the head of  
16 the department or agency concerned may fill the vacancy  
17 or make the recommendation to the President (as the case  
18 may be) without the concurrence of the Director, but shall  
19 notify the President that the Director does not concur in  
20 the appointment or recommendation (as the case may be).

21 (2) Paragraph (1) applies to the following positions:

22 (A) The Director of the Central Intelligence  
23 Agency's Counterterrorist Center.

1           (B) The Assistant Director of the Federal Bu-  
2       reau of Investigation in charge of the  
3       Counterterrorism Division.

4           (C) The Coordinator for Counterterrorism of  
5       the Department of State.

6           (D) The head of such other operating entities  
7       of the United States Government having principal  
8       missions relating to counterterrorism as the Presi-  
9       dent may designate for purposes of this subsection.

10       (3) The President shall notify Congress of the des-  
11      ignation of an operating entity of the United States Gov-  
12      ernment under paragraph (2)(D) not later than 30 days  
13      after the date of such designation.

14       (g) DIRECTORATE OF INTELLIGENCE.—(1) The Di-  
15      rector of the National Counterterrorism Center shall es-  
16      tablish and maintain within the National  
17      Counterterrorism Center a Directorate of Intelligence.

18       (2) The Directorate shall utilize the capabilities of the  
19      Terrorist Threat Integration Center (TTIC) transferred  
20      to the Directorate by section 323 and such other capabili-  
21      ties as the Director of the National Counterterrorism Cen-  
22      ter considers appropriate.

23       (3) The Directorate shall have primary responsibility  
24      within the United States Government for analysis of ter-  
25      rorism and terrorist organizations from all sources of in-

1 telligence, whether collected inside or outside the United  
2 States.

3 (4) The Directorate shall—

4 (A) be the principal repository within the  
5 United States Government for all-source information  
6 on suspected terrorists, their organizations, and  
7 their capabilities;

8 (B) propose intelligence collection requirements  
9 for action by elements of the intelligence community  
10 inside and outside the United States;

11 (C) have primary responsibility within the  
12 United States Government for net assessments and  
13 warnings about terrorist threats, which assessments  
14 and warnings shall be based on a comparison of ter-  
15 rorist intentions and capabilities with assessed na-  
16 tional vulnerabilities and countermeasures; and

17 (D) perform such other duties and functions as  
18 the Director of the National Counterterrorism Cen-  
19 ter may prescribe.

20 (h) DIRECTORATE OF PLANNING.—(1) The Director  
21 of the National Counterterrorism Center shall establish  
22 and maintain within the National Counterterrorism Cen-  
23 ter a Directorate of Planning.

1       (2) The Directorate shall have primary responsibility  
2 for developing interagency counterterrorism plans, as de-  
3 scribed in subsection (d)(3).

4       (3) The Directorate shall—

5           (A) provide guidance, and develop strategy and  
6 interagency plans, to counter terrorist activities  
7 based on policy objectives and priorities established  
8 by the National Security Council;

9           (B) develop interagency plans under subpara-  
10 graph (A) utilizing input from personnel in other de-  
11 partments, agencies, and elements of the United  
12 States Government who have expertise in the prior-  
13 ities, functions, assets, programs, capabilities, and  
14 operations of such departments, agencies, and ele-  
15 ments with respect to counterterrorism;

16           (C) assign responsibilities for counterterrorism  
17 operations to the departments and agencies of the  
18 United States Government (including the Depart-  
19 ment of Defense, the Central Intelligence Agency,  
20 the Federal Bureau of Investigation, the Depart-  
21 ment of Homeland Security, and other departments  
22 and agencies of the United States Government), con-  
23 sistent with the authorities of such departments and  
24 agencies;



1           (D) monitor the implementation of operations  
2           assigned under subparagraph (C) and update inter-  
3           agency plans for such operations as necessary;

4           (E) report to the President and the National  
5           Intelligence Director on the compliance of the de-  
6           partments, agencies, and elements of the United  
7           States with the plans developed under subparagraph  
8           (A); and

9           (F) perform such other duties and functions as  
10          the Director of the National Counterterrorism Cen-  
11          ter may prescribe.

12         (4) The Directorate may not direct the execution of  
13         operations assigned under paragraph (3).

14         (i) STAFF.—(1) The National Intelligence Director  
15         may appoint deputy directors of the National  
16         Counterterrorism Center to oversee such portions of the  
17         operations of the Center as the National Intelligence Di-  
18         rector considers appropriate.

19         (2) To assist the Director of the National  
20         Counterterrorism Center in fulfilling the duties and re-  
21         sponsibilities of the Director of the National  
22         Counterterrorism Center under this section, the National  
23         Intelligence Director shall employ in the National  
24         Counterterrorism Center a professional staff having an ex-

1   pertise in matters relating to such duties and responsibil-  
2   ities.

3       (3) In providing for a professional staff for the Na-  
4   tional Counterterrorism Center under paragraph (2), the  
5   National Intelligence Director may establish as positions  
6   in the excepted service such positions in the Center as the  
7   National Intelligence Director considers appropriate.

8       (4) The National Intelligence Director shall ensure  
9   that the analytical staff of the National Counterterrorism  
10  Center is comprised primarily of experts from elements in  
11  the intelligence community and from such other personnel  
12  in the United States Government as the National Intel-  
13  ligence Director considers appropriate.

14       (5)(A) In order to meet the requirements in para-  
15  graph (4), the National Intelligence Director shall, from  
16  time to time—

17           (i) specify the transfers, assignments, and de-  
18       tails of personnel funded within the National Intel-  
19       ligence Program to the National Counterterrorism  
20       Center from any other element of the intelligence  
21       community that the National Intelligence Director  
22       considers appropriate; and

23           (ii) in the case of personnel from a department,  
24       agency, or element of the United States Government  
25       and not funded within the National Intelligence Pro-

1        gram, request the transfer, assignment, or detail of  
2        such personnel from the department, agency, or  
3        other element concerned.

4        (B)(i) The head of an element of the intelligence com-  
5        munity shall promptly effect any transfer, assignment, or  
6        detail of personnel specified by the National Intelligence  
7        Director under subparagraph (A)(i).

8        (ii) The head of a department, agency, or element of  
9        the United States Government receiving a request for  
10       transfer, assignment, or detail of personnel under sub-  
11       paragraph (A)(ii) shall, to the extent practicable, approve  
12       the request.

13       (6) Personnel employed in or assigned or detailed to  
14       the National Counterterrorism Center under this sub-  
15       section shall be under the authority, direction, and control  
16       of the Director of the National Counterterrorism Center  
17       on all matters for which the Center has been assigned re-  
18       sponsibility and for all matters related to the accomplish-  
19       ment of the missions of the Center.

20       (7) Performance evaluations of personnel assigned or  
21       detailed to the National Counterterrorism Center under  
22       this subsection shall be undertaken by the supervisors of  
23       such personnel at the Center.

24       (8) The supervisors of the staff of the National  
25       Counterterrorism Center may, with the approval of the

1 National Intelligence Director, reward the staff of the  
2 Center for meritorious performance by the provision of  
3 such performance awards as the National Intelligence Di-  
4 rector shall prescribe.

5 (9) The National Intelligence Director may delegate  
6 to the Director of the National Counterterrorism Center  
7 any responsibility, power, or authority of the National In-  
8 telligence Director under paragraphs (1) through (8).

9 (10) The National Intelligence Director shall ensure  
10 that the staff of the National Counterterrorism Center has  
11 access to all databases maintained by the elements of the  
12 intelligence community that are relevant to the duties of  
13 the Center.

14 (j) SUPPORT AND COOPERATION OF OTHER AGEN-  
15 CIES.—(1) The elements of the intelligence community  
16 and the other departments, agencies, and elements of the  
17 United States Government shall support, assist, and co-  
18 operate with the National Counterterrorism Center in car-  
19 rying out its missions under this section.

20 (2) The support, assistance, and cooperation of a de-  
21 partment, agency, or element of the United States Govern-  
22 ment under this subsection shall include, but not be lim-  
23 ited to—

24 (A) the implementation of interagency plans for  
25 operations, whether foreign or domestic, that are de-

1       veloped by the National Counterterrorism Center in  
2       a manner consistent with the laws and regulations of  
3       the United States and consistent with the limitation  
4       in subsection (h)(4);

5           (B) cooperative work with the Director of the  
6       National Counterterrorism Center to ensure that on-  
7       going operations of such department, agency, or ele-  
8       ment do not conflict with joint operations planned  
9       by the Center;

10          (C) reports, upon request, to the Director of the  
11       National Counterterrorism Center on the progress of  
12       such department, agency, or element in imple-  
13       menting responsibilities assigned to such depart-  
14       ment, agency, or element through joint operations  
15       plans; and

16          (D) the provision to the analysts of the Na-  
17       tional Counterterrorism Center electronic access in  
18       real time to information and intelligence collected by  
19       such department, agency, or element that is relevant  
20       to the missions of the Center.

21       (3) In the event of a disagreement between the Na-  
22       tional Intelligence Director and the head of a department,  
23       agency, or element of the United States Government on  
24       a plan developed or responsibility assigned by the National  
25       Counterterrorism Center under this subsection, the Na-

1 tional Intelligence Director may either accede to the head  
2 of the department, agency, or element concerned or notify  
3 the President of the necessity of resolving the disagree-  
4 ment.

5 **SEC. 144. NATIONAL INTELLIGENCE CENTERS.**

6 (a) NATIONAL INTELLIGENCE CENTERS.—(1) The  
7 National Intelligence Director may establish within the  
8 National Intelligence Authority one or more centers (to  
9 be known as “national intelligence centers”) to address  
10 intelligence priorities established by the National Security  
11 Council.

12 (2) Each national intelligence center established  
13 under this section shall be assigned an area of intelligence  
14 responsibility.

15 (3) National intelligence centers shall be established  
16 at the direction of the President, as prescribed by law,  
17 or upon the initiative of the National Intelligence Director.

18 (b) ESTABLISHMENT OF CENTERS.—(1) In estab-  
19 lishing a national intelligence center, the National Intel-  
20 ligence Director shall assign lead responsibility for admin-  
21 istrative support for such center to an element of the intel-  
22 ligence community selected by the Director for that pur-  
23 pose.

24 (2) The Director shall determine the structure and  
25 size of each national intelligence center.

1       (3) The Director shall notify Congress of the estab-  
2       lishment of each national intelligence center before the  
3       date of the establishment of such center.

4       (c) DIRECTORS OF CENTERS.—(1) Each national in-  
5       telligence center shall have as its head a Director who  
6       shall be appointed by the National Intelligence Director  
7       for that purpose.

8       (2) The Director of a national intelligence center  
9       shall serve as the principal adviser to the National Intel-  
10      ligence Director on intelligence matters with respect to the  
11      area of intelligence responsibility assigned to the center.

12      (3) In carrying out duties under paragraph (2), the  
13      Director of a national intelligence center shall—

14           (A) manage the operations of the center;

15           (B) coordinate the provision of administration  
16      and support by the element of the intelligence com-  
17      munity with lead responsibility for the center under  
18      subsection (b)(1);

19           (C) submit budget and personnel requests for  
20      the center to the National Intelligence Director;

21           (D) seek such assistance from other depart-  
22      ments, agencies, and elements of the United States  
23      Government as is needed to fulfill the mission of the  
24      center; and

1           (E) advise the National Intelligence Director of  
2           the information technology, personnel, and other re-  
3           quirements of the center for the performance of its  
4           mission.

5           (4) The National Intelligence Director shall ensure  
6           that the Director of a national intelligence center has suf-  
7           ficient authority, direction, and control to effectively ac-  
8           complish the mission of the center.

9           (d) MISSION OF CENTERS.—Pursuant to the direc-  
10          tion of the National Intelligence Director, each national  
11          intelligence center shall, in the area of intelligence respon-  
12          sibility assigned to the center by the Director pursuant  
13          to intelligence priorities established by the National Secu-  
14          rity Council—

15               (1) have primary responsibility for providing  
16               all-source analysis of intelligence based upon foreign  
17               intelligence gathered both abroad and domestically;

18               (2) have primary responsibility for identifying  
19               and proposing to the National Intelligence Director  
20               intelligence collection and analysis requirements;

21               (3) have primary responsibility for net assess-  
22               ments and warnings;

23               (4) ensure that appropriate officials of the  
24               United States Government and other appropriate of-



1 officials have access to a variety of intelligence assess-  
2 ments and analytical views; and

3 (5) perform such other duties as the National  
4 Intelligence Director shall specify.

5 (e) INFORMATION SHARING.—(1) The National Intel-  
6 ligence Director shall ensure that the Directors of the na-  
7 tional intelligence centers and the other elements of the  
8 intelligence community undertake appropriate sharing of  
9 intelligence analysis and plans for operations in order to  
10 facilitate the activities of the centers.

11 (2) In order to facilitate information sharing under  
12 paragraph (1), the Directors of the national intelligence  
13 centers shall—

14 (A) report directly to the National Intelligence  
15 Director regarding their activities under this section;  
16 and

17 (B) coordinate with the Principal Deputy Na-  
18 tional Intelligence Director regarding such activities.

19 (f) STAFF.—(1) In providing for a professional staff  
20 for a national intelligence center, the National Intelligence  
21 Director may establish as positions in the excepted service  
22 such positions in the center as the National Intelligence  
23 Director considers appropriate.

24 (2)(A) The National Intelligence Director shall, from  
25 time to time—

1           (i) specify the transfers, assignments, and de-  
2       tails of personnel funded within the National Intel-  
3       ligence Program to a national intelligence center  
4       from any other element of the intelligence commu-  
5       nity that the National Intelligence Director considers  
6       appropriate; and

7           (ii) in the case of personnel from a department,  
8       agency, or element of the United States Government  
9       not funded within the National Intelligence Pro-  
10      gram, request the transfer, assignment, or detail of  
11      such personnel from the department, agency, or  
12      other element concerned.

13       (B)(i) The head of an element of the intelligence com-  
14      munity shall promptly effect any transfer, assignment, or  
15      detail of personnel specified by the National Intelligence  
16      Director under subparagraph (A)(i).

17       (ii) The head of a department, agency, or element of  
18      the United States Government receiving a request for  
19      transfer, assignment, or detail of personnel under sub-  
20      paragraph (A)(ii) shall, to the extent practicable, approve  
21      the request.

22       (3) Personnel employed in or assigned or detailed to  
23      a national intelligence center under this subsection shall  
24      be under the authority, direction, and control of the Direc-  
25      tor of the center on all matters for which the center has

1 been assigned responsibility and for all matters related to  
2 the accomplishment of the mission of the center.

3 (4) Performance evaluations of personnel assigned or  
4 detailed to a national intelligence center under this sub-  
5 section shall be undertaken by the supervisors of such per-  
6 sonnel at the center.

7 (5) The supervisors of the staff of a national center  
8 may, with the approval of the National Intelligence Direc-  
9 tor, reward the staff of the center for meritorious perform-  
10 ance by the provision of such performance awards as the  
11 National Intelligence Director shall prescribe.

12 (6) The National Intelligence Director may delegate  
13 to the Director of a national intelligence center any re-  
14 sponsibility, power, or authority of the National Intel-  
15 ligence Director under paragraphs (1) through (6).

16 (7) The Director of a national intelligence center may  
17 recommend to the National Intelligence Director the reas-  
18 signment to the home element concerned of any personnel  
19 previously assigned or detailed to the center from another  
20 element of the intelligence community.

21 (g) TERMINATION.—(1) The National Intelligence  
22 Director may terminate a national intelligence center if  
23 the National Intelligence Director determines that the cen-  
24 ter is no longer required to meet an intelligence priority  
25 established by the National Security Council.

1       (2) The National Intelligence Director shall notify  
2 Congress of any determination made under paragraph (1)  
3 before carrying out such determination.

4       **Subtitle E—Education and Train-**  
5       **ing of Intelligence Community**  
6       **Personnel**

7       **SEC. 151. FRAMEWORK FOR CROSS-DISCIPLINARY EDU-**  
8       **CATION AND TRAINING.**

9       The National Intelligence Director shall establish an  
10 integrated framework that brings together the educational  
11 components of the intelligence community in order to pro-  
12 mote a more effective and productive intelligence commu-  
13 nity through cross-disciplinary education and joint train-  
14 ing.

15       **SEC. 152. INTELLIGENCE COMMUNITY SCHOLARSHIP PRO-**  
16       **GRAM.**

17       (a) DEFINITIONS.—In this section:

18               (1) AGENCY.—The term “agency” means each  
19 element of the intelligence community as determined  
20 by the National Intelligence Director.

21               (2) INSTITUTION OF HIGHER EDUCATION.—The  
22 term “institution of higher education” has the  
23 meaning given that term under section 101 of the  
24 Higher Education Act of 1965 (20 U.S.C. 1001).

1           (3) PROGRAM.—The term “Program” means  
2       the Intelligence Community Scholarship Program es-  
3       tablished under subsection (b).

4       (b) ESTABLISHMENT.—

5           (1) IN GENERAL.—The National Intelligence  
6       Director, in consultation with the head of each agen-  
7       cy, shall establish a scholarship program (to be  
8       known as the “Intelligence Community Scholarship  
9       Program”) to award scholarships to individuals that  
10      is designed to recruit and prepare students for civil-  
11      ian careers in the intelligence community to meet  
12      the critical needs of the intelligence community  
13      agencies.

14      (2) SELECTION OF RECIPIENTS.—

15           (A) MERIT AND AGENCY NEEDS.—Individ-  
16      uals shall be selected to receive scholarships  
17      under this section through a competitive proc-  
18      ess primarily on the basis of academic merit  
19      and the needs of the agency.

20           (B) DEMONSTRATED COMMITMENT.—Indi-  
21      viduals selected under this section shall have a  
22      demonstrated commitment to the field of study  
23      for which the scholarship is awarded.

24      (3) CONTRACTUAL AGREEMENTS.—To carry  
25      out the Program the head of each agency shall enter

1 into contractual agreements with individuals selected  
2 under paragraph (2) under which the individuals  
3 agree to serve as full-time employees of the agency,  
4 for the period described in subsection (h)(1), in posi-  
5 tions needed by the agency and for which the indi-  
6 viduals are qualified, in exchange for receiving a  
7 scholarship.

8 (c) ELIGIBILITY.—In order to be eligible to partici-  
9 pate in the Program, an individual shall—

10 (1) be enrolled or accepted for enrollment as a  
11 full-time student at an institution of higher edu-  
12 cation and be pursuing or intend to pursue under-  
13 graduate or graduate education in an academic field  
14 or discipline described in the list made available  
15 under subsection (e);

16 (2) be a United States citizen; and

17 (3) at the time of the initial scholarship award,  
18 not be an employee (as defined under section 2105  
19 of title 5, United States Code).

20 (d) APPLICATION.—An individual seeking a scholar-  
21 ship under this section shall submit an application to the  
22 National Intelligence Director at such time, in such man-  
23 ner, and containing such information, agreements, or as-  
24 surances as the Director may require.

1 (e) PROGRAMS AND FIELDS OF STUDY.—The Na-  
2 tional Intelligence Director shall—

3 (1) make publicly available a list of academic  
4 programs and fields of study for which scholarships  
5 under the Program may be used; and

6 (2) update the list as necessary.

7 (f) SCHOLARSHIPS.—

8 (1) IN GENERAL.—The National Intelligence  
9 Director may provide a scholarship under the Pro-  
10 gram for an academic year if the individual applying  
11 for the scholarship has submitted to the Director, as  
12 part of the application required under subsection  
13 (d), a proposed academic program leading to a de-  
14 gree in a program or field of study on the list made  
15 available under subsection (e).

16 (2) LIMITATION ON YEARS.—An individual may  
17 not receive a scholarship under this section for more  
18 than 4 academic years, unless the National Intel-  
19 ligence Director grants a waiver.

20 (3) STUDENT RESPONSIBILITIES.—Scholarship  
21 recipients shall maintain satisfactory academic  
22 progress.

23 (4) AMOUNT.—The dollar amount of a scholar-  
24 ship under this section for an academic year shall be  
25 determined under regulations issued by the National

1 Intelligence Director, but shall in no case exceed the  
2 cost of tuition, fees, and other authorized expenses  
3 as established by the Director.

4 (5) USE OF SCHOLARSHIPS.—A scholarship  
5 provided under this section may be expended for tui-  
6 tion, fees, and other authorized expenses as estab-  
7 lished by the National Intelligence Director by regu-  
8 lation.

9 (6) PAYMENT TO INSTITUTION OF HIGHER  
10 EDUCATION.—The National Intelligence Director  
11 may enter into a contractual agreement with an in-  
12 stitution of higher education under which the  
13 amounts provided for a scholarship under this sec-  
14 tion for tuition, fees, and other authorized expenses  
15 are paid directly to the institution with respect to  
16 which the scholarship is provided.

17 (g) SPECIAL CONSIDERATION FOR CURRENT EM-  
18 PLOYEES.—

19 (1) SET ASIDE OF SCHOLARSHIPS.—Notwith-  
20 standing paragraphs (1) and (3) of subsection (c),  
21 10 percent of the scholarships awarded under this  
22 section shall be set aside for individuals who are em-  
23 ployees of agencies on the date of enactment of this  
24 section to enhance the education of such employees  
25 in areas of critical needs of agencies.



1           (2) FULL- OR PART-TIME EDUCATION.—Em-  
2       ployees who are awarded scholarships under para-  
3       graph (1) shall be permitted to pursue under-  
4       graduate or graduate education under the scholar-  
5       ship on a full-time or part-time basis.

6       (h) EMPLOYEE SERVICE.—

7           (1) PERIOD OF SERVICE.—Except as provided  
8       in subsection (j)(2), the period of service for which  
9       an individual shall be obligated to serve as an em-  
10      ployee of the agency is 24 months for each academic  
11      year for which a scholarship under this section is  
12      provided. Under no circumstances shall the total pe-  
13      riod of obligated service be more than 8 years.

14      (2) BEGINNING OF SERVICE.—

15           (A) IN GENERAL.—Except as provided in  
16      subparagraph (B), obligated service under para-  
17      graph (1) shall begin not later than 60 days  
18      after the individual obtains the educational de-  
19      gree for which the scholarship was provided.

20           (B) DEFERRAL.—In accordance with regu-  
21      lations established by the National Intelligence  
22      Director, the Director or designee may defer  
23      the obligation of an individual to provide a pe-  
24      riod of service under paragraph (1) if the Di-

1           rector or designee determines that such a defer-  
2           ral is appropriate.

3           (i) REPAYMENT.—

4           (1) IN GENERAL.—Scholarship recipients who  
5           fail to maintain a high level of academic standing,  
6           as defined by the National Intelligence Director, who  
7           are dismissed from their educational institutions for  
8           disciplinary reasons, or who voluntarily terminate  
9           academic training before graduation from the edu-  
10          cational program for which the scholarship was  
11          awarded, shall be in breach of their contractual  
12          agreement and, in lieu of any service obligation aris-  
13          ing under such agreement, shall be liable to the  
14          United States for repayment within 1 year after the  
15          date of default of all scholarship funds paid to them  
16          and to the institution of higher education on their  
17          behalf under the agreement, except as provided in  
18          subsection (j)(2). The repayment period may be ex-  
19          tended by the Director when determined to be nec-  
20          essary, as established by regulation.

21          (2) LIABILITY.—Scholarship recipients who, for  
22          any reason, fail to begin or complete their service  
23          obligation after completion of academic training, or  
24          fail to comply with the terms and conditions of  
25          deferment established by the National Intelligence

1 Director under subsection (h)(2)(B), shall be in  
2 breach of their contractual agreement. When recipi-  
3 ents breach their agreements for the reasons stated  
4 in the preceding sentence, the recipient shall be lia-  
5 ble to the United States for an amount equal to—

6 (A) the total amount of scholarships re-  
7 ceived by such individual under this section;  
8 and

9 (B) the interest on the amounts of such  
10 awards which would be payable if at the time  
11 the awards were received they were loans bear-  
12 ing interest at the maximum legal prevailing  
13 rate, as determined by the Treasurer of the  
14 United States, multiplied by 3.

15 (j) CANCELLATION, WAIVER, OR SUSPENSION OF OB-  
16 LIGATION.—

17 (1) CANCELLATION.—Any obligation of an indi-  
18 vidual incurred under the Program (or a contractual  
19 agreement thereunder) for service or payment shall  
20 be canceled upon the death of the individual.

21 (2) WAIVER OR SUSPENSION.—The National  
22 Intelligence Director shall prescribe regulations to  
23 provide for the partial or total waiver or suspension  
24 of any obligation of service or payment incurred by  
25 an individual under the Program (or a contractual

1       agreement thereunder) whenever compliance by the  
2       individual is impossible or would involve extreme  
3       hardship to the individual, or if enforcement of such  
4       obligation with respect to the individual would be  
5       contrary to the best interests of the Government.

6       (k) REGULATIONS.—The National Intelligence Direc-  
7       tor shall prescribe regulations necessary to carry out this  
8       section.

## 9       **Subtitle F—Additional Authorities** 10      **of National Intelligence Authority**

### 11      **SEC. 161. USE OF APPROPRIATED FUNDS.**

12       (a) DISPOSAL OF PROPERTY.—(1) If specifically au-  
13       thorized to dispose of real property of the National Intel-  
14       ligence Authority under any law enacted after the date of  
15       the enactment of this Act, the National Intelligence Direc-  
16       tor shall, subject to paragraph (2), exercise such authority  
17       in strict compliance with subchapter IV of chapter 5 of  
18       title 40, United States Code.

19       (2) The Director shall deposit the proceeds of any  
20       disposal of property of the National Intelligence Authority  
21       into the miscellaneous receipts of the Treasury in accord-  
22       ance with section 3302(b) of title 31, United States Code.

23       (b) GIFTS.—Gifts or donations of services or property  
24       of or for the National Intelligence Authority may not be  
25       accepted, used, or disposed of unless specifically permitted

1 in advance in an appropriations Act and only under the  
2 conditions and for the purposes specified in such appro-  
3 priations Act.

4 **SEC. 162. ACQUISITION AND FISCAL AUTHORITIES.**

5 (a) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For  
6 each intelligence program for the acquisition of a major  
7 system, the National Intelligence Director shall—

8 (A) require the development and implementa-  
9 tion of a program management plan that includes  
10 cost, schedule, and performance goals and program  
11 milestone criteria;

12 (B) subject to paragraph (4), serve as the ex-  
13 clusive milestone decision authority; and

14 (C) periodically—

15 (i) review and assess the progress made to-  
16 ward the achievement of the goals and mile-  
17 stones established in such plan; and

18 (ii) submit to Congress a report on the re-  
19 sults of such review and assessment.

20 (2) The National Intelligence Director shall prescribe  
21 guidance for the development and implementation of pro-  
22 gram management plans under this subsection. In pre-  
23 scribing such guidance, the Director shall review Depart-  
24 ment of Defense guidance on program management plans  
25 for Department of Defense programs for the acquisition

1 of major systems and, to the extent feasible, incorporate  
2 the principles of the Department of Defense guidance into  
3 the Director's guidance under this subsection.

4 (3) Nothing in this subsection may be construed to  
5 limit the authority of the National Intelligence Director  
6 to delegate to any other official any authority to perform  
7 the responsibilities of the Director under this subsection.

8 (4)(A) The authority conferred by paragraph (1)(B)  
9 shall not apply to Department of Defense programs until  
10 the National Intelligence Director, in consultation with the  
11 Secretary of Defense, determines that the National Intel-  
12 ligence Authority has the personnel and capability to fully  
13 and effectively carry out such authority.

14 (B) The National Intelligence Director may assign  
15 any authority under this subsection to the Secretary of  
16 Defense. The assignment of such authority shall be made  
17 pursuant to a memorandum of understanding between the  
18 Director and the Secretary.

19 (5) In this subsection:

20 (A) The term "intelligence program", with re-  
21 spect to the acquisition of a major system, means a  
22 program that—

23 (i) is carried out to acquire such major  
24 system for an element of the intelligence com-  
25 munity; and

1 (ii) is funded in whole out of amounts  
2 available for the National Intelligence Program.

3 (B) The term “major system” has the meaning  
4 given such term in section 4(9) of the Federal Prop-  
5 erty and Administrative Services Act of 1949 (41  
6 U.S.C. 403(9)).

7 (b) AVAILABILITY OF FUNDS.—Notwithstanding any  
8 other provision of law (other than the provisions of this  
9 Act), sums appropriated or otherwise made available to  
10 the National Intelligence Authority may be expended for  
11 purposes necessary to carry out its functions, including  
12 any function performed by the National Intelligence Au-  
13 thority that is described in section 8(a) of the Central In-  
14 telligence Agency Act of 1949 (50 U.S.C. 403j(a)).

15 (c) RELATIONSHIP OF DIRECTOR’S AUTHORITY TO  
16 OTHER LAWS ON ACQUISITION AND MANAGEMENT OF  
17 PROPERTY AND SERVICES.—Section 113(e) of title 40,  
18 United States Code, is amended—

19 (A) by striking “or” at the end of paragraph  
20 (18);

21 (B) by striking the period at the end of para-  
22 graph (19) and inserting “; or”; and

23 (C) by adding at the end the following new  
24 paragraph:

25 “(20) the National Intelligence Director.”.

1 (d) NATIONAL INTELLIGENCE DIRECTOR REPORT ON  
2 ENHANCEMENT OF NSA AND NGIA ACQUISITION AU-  
3 THORITIES.—Not later than one year after the date of the  
4 enactment of this Act, the National Intelligence Director  
5 shall—

6 (1) review—

7 (A) the acquisition authority of the Direc-  
8 tor of the National Security Agency; and

9 (B) the acquisition authority of the Direc-  
10 tor of the National Geospatial-Intelligence  
11 Agency; and

12 (2) submit to the Committee on Governmental  
13 Affairs of the Senate and the Committee on Govern-  
14 ment Reform of the House of Representatives a re-  
15 port setting forth any recommended enhancements  
16 of the acquisition authorities of the Director of the  
17 National Security Agency and the Director of the  
18 National Geospatial-Intelligence Agency that the Na-  
19 tional Intelligence Director considers necessary.

20 (e) COMPTROLLER GENERAL REPORT ON ACQUI-  
21 SITION POLICIES AND PROCEDURES.—Not later than two  
22 years after the date of the enactment of this Act, the  
23 Comptroller General of the United States shall submit to  
24 Congress a report on the extent to which the policies and  
25 procedures adopted for managing the acquisition of major



1 systems for national intelligence purposes, as identified by  
2 the National Intelligence Director, are likely to result in  
3 successful cost, schedule, and performance outcomes.

4 **SEC. 163. PERSONNEL MATTERS.**

5 (a) IN GENERAL.—In addition to the authorities pro-  
6 vided in section 114, the National Intelligence Director  
7 may exercise with respect to the personnel of the National  
8 Intelligence Authority any authority of the Director of the  
9 Central Intelligence Agency with respect to the personnel  
10 of the Central Intelligence Agency under the Central Intel-  
11 ligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and  
12 other applicable provisions of law, as of the date of the  
13 enactment of this Act to the same extent, and subject to  
14 the same conditions and limitations, that the Director of  
15 the Central Intelligence Agency may exercise such author-  
16 ity with respect to personnel of the Central Intelligence  
17 Agency.

18 (b) RIGHTS AND PROTECTIONS OF EMPLOYEES AND  
19 APPLICANTS.—Employees and applicants for employment  
20 of the National Intelligence Authority shall have the same  
21 rights and protections under the Authority as employees  
22 of the Central Intelligence Agency have under the Central  
23 Intelligence Agency Act of 1949, and other applicable pro-  
24 visions of law, as of the date of the enactment of this Act.

1 **SEC. 164. ETHICS MATTERS.**

2 (a) POLITICAL SERVICE OF PERSONNEL.—Section  
3 7323(b)(2)(B)(i) of title 5, United States Code, is amend-  
4 ed—

5 (1) in subclause (XII), by striking “or” at the  
6 end; and

7 (2) by inserting after subclause (XIII) the fol-  
8 lowing new subclause:

9 “(XIV) the National Intelligence Author-  
10 ity; or”.

11 (b) DELETION OF INFORMATION ABOUT FOREIGN  
12 GIFTS.—Section 7342(f)(4) of title 5, United States Code,  
13 is amended—

14 (1) by inserting “(A)” after “(4)”;

15 (2) in subparagraph (A), as so designated, by  
16 striking “the Director of Central Intelligence” and  
17 inserting “the Director of the Central Intelligence  
18 Agency”; and

19 (3) by adding at the end the following new sub-  
20 paragraph:

21 “(B) In transmitting such listings for the National  
22 Intelligence Authority, the National Intelligence Director  
23 may delete the information described in subparagraphs  
24 (A) and (C) of paragraphs (2) and (3) if the Director cer-  
25 tifies in writing to the Secretary of State that the publica-

tion of such information could adversely affect United States intelligence sources.”.

(c) EXEMPTION FROM FINANCIAL DISCLOSURES.—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting “the National Intelligence Authority,” before “the Central Intelligence Agency”.

## TITLE II—INFORMATION SHARING

### SEC. 201. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) NETWORK.—The term “Network” means the Information Sharing Network described in subsection (c).

(2) TERRORISM INFORMATION.—The term “terrorism information” means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities, relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

1 (B) threats posed by such groups or indi-  
2 viduals to the United States, United States per-  
3 sons, or United States interests, or to those of  
4 other nations;

5 (C) communications of or by such groups  
6 or individuals; or

7 (D) information relating to groups or indi-  
8 viduals reasonably believed to be assisting or  
9 associated with such groups or individuals.

10 (b) FINDINGS.—Consistent with the report of the Na-  
11 tional Commission on Terrorist Attacks Upon the United  
12 States, Congress makes the following findings:

13 (1) The effective use of information, from all  
14 available sources, is essential to the fight against  
15 terror and the protection of our homeland. The big-  
16 gest impediment to all-source analysis, and to a  
17 greater likelihood of “connecting the dots”, is resist-  
18 ance to sharing information.

19 (2) The United States Government has access  
20 to a vast amount of information, including not only  
21 traditional intelligence but also other government  
22 databases, such as those containing customs or im-  
23 migration information. But the United States Gov-  
24 ernment has a weak system for processing and using  
25 the information it has.

1           (3) In the period leading up to September 11,  
2           2001, there were instances of potentially helpful in-  
3           formation that was available but that no person  
4           knew to ask for; information that was distributed  
5           only in compartmented channels; and information  
6           that was requested but could not be shared.

7           (4) Current security requirements nurture over-  
8           classification and excessive compartmentalization of  
9           information among agencies. Each agency's incentive  
10          structure opposes sharing, with risks, including  
11          criminal, civil, and administrative sanctions, but few  
12          rewards for sharing information.

13          (5) The current system, in which each intel-  
14          ligence agency has its own security practices, re-  
15          quires a demonstrated "need to know" before shar-  
16          ing. This approach assumes that it is possible to  
17          know, in advance, who will need to use the informa-  
18          tion. An outgrowth of the cold war, such a system  
19          implicitly assumes that the risk of inadvertent dis-  
20          closure outweighs the benefits of wider sharing.  
21          Such assumptions are no longer appropriate. Al-  
22          though counterintelligence concerns are still real, the  
23          costs of not sharing information are also substantial.  
24          The current "need-to-know" culture of information

1 protection needs to be replaced with a “need-to-  
2 share” culture of integration.

3 (6) A new approach to the sharing of terrorism  
4 information is urgently needed. An important con-  
5 ceptual model for a new “trusted information net-  
6 work” is the Systemwide Homeland Analysis and  
7 Resource Exchange (SHARE) Network proposed by  
8 a task force of leading professionals assembled by  
9 the Markle Foundation and described in reports  
10 issued in October 2002 and December 2003.

11 (7) No single agency can create a meaningful  
12 information sharing system on its own. Alone, each  
13 agency can only modernize stovepipes, not replace  
14 them. Presidential leadership is required to bring  
15 about governmentwide change.

16 (c) INFORMATION SHARING NETWORK.—

17 (1) ESTABLISHMENT.—The President shall es-  
18 tablish an information sharing network to promote  
19 the sharing of terrorism information, in a manner  
20 consistent with national security and the protection  
21 of privacy and civil liberties.

22 (2) ATTRIBUTES.—The Network shall promote  
23 coordination, communication and collaboration of  
24 people and information among all relevant Federal  
25 departments and agencies, State, tribal, and local

1 authorities, and relevant private sector entities, in-  
2 cluding owners and operators of critical infrastruc-  
3 ture, by using policy guidelines and technologies that  
4 support—

5 (A) a decentralized, distributed, and co-  
6 ordinated environment that connects existing  
7 systems where appropriate and allows users to  
8 share information horizontally across agencies,  
9 vertically between levels of government, and, as  
10 appropriate, with the private sector;

11 (B) building on existing systems capabili-  
12 ties at relevant agencies;

13 (C) utilizing industry best practices, in-  
14 cluding minimizing the centralization of data  
15 and seeking to use common tools and capabili-  
16 ties whenever possible;

17 (D) employing an information rights man-  
18 agement approach that controls access to data  
19 rather than to whole networks;

20 (E) facilitating the sharing of information  
21 at and across all levels of security by using pol-  
22 icy guidelines and technologies that support  
23 writing information that can be broadly shared;

24 (F) providing directory services for locat-  
25 ing people and information;

1 (G) incorporating protections for individ-  
2 uals' privacy and civil liberties;

3 (H) incorporating mechanisms for informa-  
4 tion security; and

5 (I) access controls, authentication and au-  
6 thorization, audits, and other strong mecha-  
7 nisms for information security and privacy  
8 guideline enforcement across all levels of secu-  
9 rity, in order to enhance accountability and fa-  
10 cilitate oversight.

11 (d) IMMEDIATE STEPS.—Not later than 90 days after  
12 the date of enactment of this Act, the President, through  
13 the Director of Management and Budget and in consulta-  
14 tion with the National Intelligence Director, the Attorney  
15 General, the Secretary of Homeland Security, the Sec-  
16 retary of Defense, the Secretary of State, the Director of  
17 the Federal Bureau of Investigation, the Director of the  
18 Central Intelligence Agency, and such other Federal offi-  
19 cials as the President shall designate, shall—

20 (1) establish electronic directory services to as-  
21 sist in locating in the Federal Government terrorism  
22 information and people with relevant knowledge  
23 about terrorism information; and

24 (2) conduct a review of relevant current Federal  
25 agency capabilities, including a baseline inventory of



1 current Federal systems that contain terrorism in-  
2 formation, the money currently spent to maintain  
3 those systems, and identification of other informa-  
4 tion that should be included in the Network.

5 (e) GUIDELINES.—As soon as possible, but in no  
6 event later than 180 days after the date of enactment of  
7 this Act, the President shall—

8 (1) in consultation with the National Intel-  
9 ligence Director and the Advisory Council on Infor-  
10 mation Sharing established in subsection (g), issue  
11 guidelines for acquiring, accessing, sharing, and  
12 using terrorism information, including guidelines to  
13 ensure such information is provided in its most  
14 shareable form, such as by separating out data from  
15 the sources and methods by which they are obtained;

16 (2) in consultation with the Privacy and Civil  
17 Liberties Oversight Board established under section  
18 901, issue guidelines that—

19 (A) protect privacy and civil liberties in the  
20 development and use of the Network; and

21 (B) shall be made public, unless, and only  
22 to the extent that, nondisclosure is clearly nec-  
23 essary to protect national security;

24 (3) establish objective, systemwide performance  
25 measures to enable the assessment of progress to-

1       ward achieving full implementation of the Network;  
2       and

3               (4) require Federal departments and agencies  
4       to promote a culture of information sharing by—

5               (A) reducing disincentives to information  
6       sharing, including overclassification of informa-  
7       tion and unnecessary requirements for origi-  
8       nator approval; and

9               (B) providing affirmative incentives for in-  
10       formation sharing, such as the incorporation of  
11       information sharing performance measures into  
12       agency and managerial evaluations, and em-  
13       ployee awards for promoting innovative infor-  
14       mation sharing practices.

15       (f) SYSTEM DESIGN AND IMPLEMENTATION PLAN.—  
16       Not later than 270 days after the date of enactment of  
17       this Act, the President shall submit to Congress a system  
18       design and implementation plan for the Network. The plan  
19       shall be prepared by the President through the Director  
20       of Management and Budget and in consultation with the  
21       National Intelligence Director, the Attorney General, the  
22       Secretary of Homeland Security, the Secretary of Defense,  
23       the Secretary of State, the Director of the Federal Bureau  
24       of Investigation, the Director of the Central Intelligence

1 Agency, and such other Federal officials as the President  
2 shall designate, and shall include—

3 (1) a description of the parameters of the pro-  
4 posed Network, including functions, capabilities, and  
5 resources;

6 (2) a description of the technological, legal, and  
7 policy issues presented by the creation of the Net-  
8 work described in subsection (c), and the ways in  
9 which these issues will be addressed;

10 (3)(A) a delineation of the roles of the Federal  
11 departments and agencies that will participate in the  
12 development of the Network, including—

13 (i) identification of any agency that will  
14 build the infrastructure needed to operate and  
15 manage the Network (as distinct from the indi-  
16 vidual agency components that are to be part of  
17 the Network); and

18 (ii) identification of any agency that will  
19 operate and manage the Network (as distinct  
20 from the individual agency components that are  
21 to be part of the Network);

22 (B) a provision that the delineation of roles  
23 under subparagraph (A) shall—

24 (i) be consistent with the authority of the  
25 National Intelligence Director, under this Act,

1 to set standards for information sharing and in-  
2 formation technology throughout the intel-  
3 ligence community; and

4 (ii) recognize the role of the Department of  
5 Homeland Security in coordinating with State,  
6 tribal, and local officials and the private sector;

7 (4) a description of the technological require-  
8 ments to appropriately link and enhance existing  
9 networks and a description of the system design that  
10 will meet these requirements;

11 (5) a plan, including a time line, for the devel-  
12 opment and phased implementation of the Network;

13 (6) total budget requirements to develop and  
14 implement the Network, including the estimated an-  
15 nual cost for each of the 5 years following the date  
16 of enactment of this Act; and

17 (7) proposals for any legislation that the Presi-  
18 dent believes necessary to implement the Network.

19 (g) ADVISORY COUNCIL ON INFORMATION SHAR-  
20 ING.—

21 (1) ESTABLISHMENT.—There is established an  
22 Advisory Council on Information Sharing (in this  
23 subsection referred to as the “Council”).

1           (2) MEMBERSHIP.—No more than 25 individ-  
2           uals may serve as members of the Council, which  
3           shall include—

4                   (A) the National Intelligence Director, who  
5           shall serve as Chairman of the Council;

6                   (B) the Secretary of Homeland Security;

7                   (C) the Secretary of Defense;

8                   (D) the Attorney General;

9                   (E) the Secretary of State;

10                  (F) the Director of the Central Intelligence  
11           Agency;

12                  (G) the Director of the Federal Bureau of  
13           Investigation;

14                  (H) the Director of Management and  
15           Budget;

16                  (I) such other Federal officials as the  
17           President shall designate;

18                  (J) representatives of State, tribal, and  
19           local governments, to be appointed by the Presi-  
20           dent;

21                  (K) individuals from outside government  
22           with expertise in relevant technology, security  
23           and privacy concepts, to be appointed by the  
24           President; and

1           (L) individuals who are employed in pri-  
2           vate businesses or nonprofit organizations that  
3           own or operate critical infrastructure, to be ap-  
4           pointed by the President.

5           (3) RESPONSIBILITIES.—The Council shall—

6           (A) advise the President and the heads of  
7           relevant Federal departments and agencies on  
8           the implementation of the Network;

9           (B) ensure that there is coordination  
10          among participants in the Network in the devel-  
11          opment and implementation of the Network;

12          (C) review, on an ongoing basis, policy,  
13          legal and technology issues related to the imple-  
14          mentation of the Network; and

15          (D) establish a dispute resolution process  
16          to resolve disagreements among departments  
17          and agencies about whether particular terrorism  
18          information should be shared and in what man-  
19          ner.

20          (4) INAPPLICABILITY OF FEDERAL ADVISORY  
21          COMMITTEE ACT.—The Council shall not be subject  
22          to the requirements of the Federal Advisory Com-  
23          mittee Act (5 U.S.C. App.).

24          (5) INFORMING THE PUBLIC.—The Council  
25          shall hold public hearings and otherwise inform the

1 public of its activities, as appropriate and in a man-  
2 ner consistent with the protection of classified infor-  
3 mation and applicable law.

4 (6) COUNCIL REPORTS.—Not later than 1 year  
5 after the date of enactment of this Act and annually  
6 thereafter, the National Intelligence Director, in the  
7 capacity of Chairman of the Council, shall submit a  
8 report to Congress that shall include—

9 (A) a description of the activities and ac-  
10 complishments of the Council in the preceding  
11 year; and

12 (B) the number and dates of the meetings  
13 held by the Council and a list of attendees at  
14 each meeting.

15 (h) PRESIDENTIAL REPORTS.—Not later than 1 year  
16 after the date of enactment of this Act, and semiannually  
17 thereafter, the President shall submit a report to Congress  
18 on the state of the Network. The report shall include—

19 (1) a progress report on the extent to which the  
20 Network has been implemented, including how the  
21 Network has fared on the governmentwide and agen-  
22 cy-specific performance measures and whether the  
23 performance goals set in the preceding year have  
24 been met;

1           (2) objective systemwide performance goals for  
2           the following year;

3           (3) an accounting of how much was spent on  
4           the Network in the preceding year;

5           (4) actions taken to ensure that agencies pro-  
6           cure new technology that is consistent with the Net-  
7           work and information on whether new systems and  
8           technology are consistent with the Network;

9           (5) the extent to which, in appropriate cir-  
10          cumstances, all terrorism watch lists are available  
11          for combined searching in real time through the  
12          Network and whether there are consistent standards  
13          for placing individuals on, and removing individuals  
14          from, the watch lists, including the availability of  
15          processes for correcting errors;

16          (6) the extent to which unnecessary roadblocks  
17          or disincentives to information sharing, including the  
18          inappropriate use of paper-only intelligence products  
19          and requirements for originator approval, have been  
20          eliminated;

21          (7) the extent to which positive incentives for  
22          information sharing have been implemented;

23          (8) the extent to which classified information is  
24          also made available through the Network, in whole  
25          or in part, in unclassified form;



1           (9) the extent to which State, tribal, and local  
2 officials—

3                   (A) are participating in the Network;

4                   (B) have systems which have become inte-  
5 grated into the Network;

6                   (C) are providing as well as receiving infor-  
7 mation; and

8                   (D) are using the Network to communicate  
9 with each other;

10          (10) the extent to which—

11                   (A) private sector data, including informa-  
12 tion from owners and operators of critical infra-  
13 structure, is incorporated in the Network; and

14                   (B) the private sector is both providing  
15 and receiving information;

16          (11) where private sector data has been used by  
17 the Government or has been incorporated into the  
18 Network—

19                   (A) the measures taken to protect sensitive  
20 business information; and

21                   (B) where the data involves information  
22 about individuals, the measures taken to ensure  
23 the accuracy of such data;

24          (12) the measures taken by the Federal Gov-  
25 ernment to ensure the accuracy of other information

1 on the Network and, in particular, the accuracy of  
2 information about individuals;

3 (13) an assessment of the Network's privacy  
4 protections, including actions taken in the preceding  
5 year to implement or enforce privacy protections and  
6 a report of complaints received about interference  
7 with an individual's privacy or civil liberties; and

8 (14) an assessment of the security protections  
9 of the Network.

10 (i) AGENCY PLANS AND REPORTS.—Each Federal  
11 department or agency that possesses or uses terrorism in-  
12 formation or that otherwise participates, or expects to par-  
13 ticipate, in the Network, shall submit to the Director of  
14 Management and Budget and to Congress—

15 (1) not later than 1 year after the enactment  
16 of this Act, a report including—

17 (A) a strategic plan for implementation of  
18 the Network's requirements within the depart-  
19 ment or agency;

20 (B) objective performance measures to as-  
21 sess the progress and adequacy of the depart-  
22 ment's or agency's information sharing efforts;  
23 and

24 (C) budgetary requirements to integrate  
25 the department or agency into the Network, in-

cluding projected annual expenditures for each of the following 5 years following the submission of the reports; and

(2) annually thereafter, reports including—

(A) an assessment of the department's or agency's progress in complying with the Network's requirements, including how well the department or agency has performed on the objective measures developed under paragraph (1);

(B) the department's or agency's expenditures to implement and comply with the Network's requirements in the preceding year; and

(C) the department's or agency's plans for further implementation of the Network in the year following the submission of the report.

(j) PERIODIC ASSESSMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Government Accountability Office shall review and evaluate the implementation of the Network, both generally and, at its discretion, within specific departments and agencies, to determine the extent of compliance with the Network's requirements and to assess the effectiveness of the Network in improving information sharing and collaboration

1 and in protecting privacy and civil liberties, and  
2 shall report to Congress on its findings.

3 (2) INSPECTORS GENERAL.—The Inspector  
4 General in any Federal department or agency that  
5 possesses or uses terrorism information or that oth-  
6 erwise participates in the Network shall, at the dis-  
7 cretion of the Inspector General—

8 (A) conduct audits or investigations to—

9 (i) determine the compliance of that  
10 department or agency with the Network’s  
11 requirements; and

12 (ii) assess the effectiveness of that de-  
13 partment or agency in improving informa-  
14 tion sharing and collaboration and in pro-  
15 tecting privacy and civil liberties; and

16 (B) issue reports on such audits and inves-  
17 tigations.

18 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated—

20 (1) \$50,000,000 to the Director of Management  
21 and Budget to carry out this section for fiscal year  
22 2005; and

23 (2) such sums as are necessary to carry out this  
24 section in each fiscal year thereafter, to be disbursed  
25 and allocated in accordance with the Network sys-

1       tem design and implementation plan required by  
2       subsection (f).

3       **TITLE III—CONGRESSIONAL**  
4       **REFORM**

5       **SEC. 301. FINDINGS.**

6       Consistent with the report of the National Commis-  
7       sion on Terrorist Attacks Upon the United States, Con-  
8       gress makes the following findings:

9               (1) The American people are not served well by  
10       current congressional rules and resolutions gov-  
11       erning intelligence and homeland security oversight.

12              (2) A unified Executive Branch effort on fight-  
13       ing terrorism will not be effective unless it is  
14       matched by a unified effort in Congress, specifically  
15       a strong, stable, and capable congressional com-  
16       mittee structure to give the intelligence agencies and  
17       Department of Homeland Security sound oversight,  
18       support, and leadership.

19              (3) The intelligence committees of the Senate  
20       and the House of Representatives are not organized  
21       to provide strong leadership and oversight for intel-  
22       ligence and counterterrorism.

23              (4) Jurisdiction over the Department of Home-  
24       land Security, which is scattered among many com-  
25       mittees in each chamber, does not allow for the clear

1 authority and responsibility needed for effective con-  
2 gressional oversight.

3 (5) Congress should either create a new, joint  
4 Senate-House intelligence authorizing committee  
5 modeled on the former Joint Committee on Atomic  
6 Energy, or establish new intelligence committees in  
7 each chamber with combined authorization and ap-  
8 propriations authority.

9 (6) Congress should establish a single, principal  
10 point of oversight and review in each chamber for  
11 the Department of Homeland Security and the re-  
12 port of the National Commission on Terrorist At-  
13 tacks Upon the United States stated that “Congres-  
14 sional leaders are best able to judge what committee  
15 should have jurisdiction over this department and its  
16 duties.”.

17 (7) In August 2004, the joint Senate leadership  
18 created a bipartisan working group to examine how  
19 best to implement the Commission’s recommenda-  
20 tions with respect to reform of the Senate’s over-  
21 sight of intelligence and homeland security, and di-  
22 rected the working group to begin its work imme-  
23 diately and to present its findings and recommenda-  
24 tions to Senate leadership as expeditiously as pos-  
25 sible.

1 **SEC. 302. REORGANIZATION OF CONGRESSIONAL JURIS-**  
2 **DICTION.**

3 The 108th Congress shall not adjourn until each  
4 House of Congress has adopted the necessary changes to  
5 its rules such that, effective the start of the 109th Con-  
6 gress—

7 (1) jurisdiction over proposed legislation, mes-  
8 sages, petitions, memorials, and other matters relat-  
9 ing to the Department of Homeland Security shall  
10 be consolidated in a single committee in each House  
11 and such committee shall have a nonpartisan staff;  
12 and

13 (2) jurisdiction over proposed legislation, mes-  
14 sages, petitions, memorials, and other matters re-  
15 lated to intelligence shall reside in—

16 (A) either a joint Senate-House author-  
17 izing committee modeled on the former Joint  
18 Committee on Atomic Energy, or a committee  
19 in each chamber with combined authorization  
20 and appropriations authority; and

21 (B) regardless of which committee struc-  
22 ture is selected, the intelligence committee or  
23 committees shall have—

24 (i) not more than 9 members in each  
25 House, who shall serve without term limits  
26 and of which at least 1 each shall also

1 serve on a committee on Armed Services,  
 2 Judiciary, and Foreign Affairs and at least  
 3 1 on a Defense Appropriations sub-  
 4 committee;

5 (ii) authority to issue subpoenas;

6 (iii) majority party representation  
 7 that does not exceed minority party rep-  
 8 resentation by more than 1 member in  
 9 each House, and a nonpartisan staff; and

10 (iv) a subcommittee devoted solely to  
 11 oversight.

## 12 **TITLE IV—PRESIDENTIAL** 13 **TRANSITION**

### 14 **SEC. 401. PRESIDENTIAL TRANSITION.**

15 (a) SERVICES PROVIDED PRESIDENT-ELECT.—Sec-  
 16 tion 3 of the Presidential Transition Act of 1963 (3  
 17 U.S.C. 102 note) is amended—

18 (1) by adding after subsection (a)(8)(A)(iv) the  
 19 following:

20 “(v) Activities under this paragraph  
 21 shall include the preparation of a detailed  
 22 classified, compartmented summary by the  
 23 relevant outgoing executive branch officials  
 24 of specific operational threats to national  
 25 security; major military or covert oper-



1                   ations; and pending decisions on possible  
2                   uses of military force. This summary shall  
3                   be provided to the President-elect as soon  
4                   as possible after the date of the general  
5                   elections held to determine the electors of  
6                   President and Vice President under section  
7                   1 or 2 of title 3, United States Code.”;

8                   (2) by redesignating subsection (f) as sub-  
9                   section (g); and

10                  (3) by adding after subsection (e) the following:

11                  “(f)(1) The President-elect should submit to the  
12                  agency designated by the President under section 401(d)  
13                  of the 9/11 Commission Report Implementation Act of  
14                  2004 the names of candidates for high level national secu-  
15                  rity positions through the level of undersecretary of cabi-  
16                  net departments as soon as possible after the date of the  
17                  general elections held to determine the electors of Presi-  
18                  dent and Vice President under section 1 or 2 of title 3,  
19                  United States Code.

20                  “(2) The Federal Bureau of Investigation, and any  
21                  other appropriate agency, shall undertake and complete as  
22                  expeditiously as possible the background investigations  
23                  necessary to provide appropriate security clearances to the  
24                  individuals who are candidates described under paragraph  
25                  (1) before the date of the inauguration of the President-

1 elect as President and the inauguration of the Vice-Presi-  
2 dent-elect as Vice President.”.

3 (b) SENSE OF THE SENATE REGARDING EXPEDITED  
4 CONSIDERATION OF NATIONAL SECURITY NOMINEES.—  
5 It is the sense of the Senate that—

6 (1) the President-elect should submit the nomi-  
7 nations of candidates for high-level national security  
8 positions, through the level of undersecretary of cab-  
9 inet departments, to the Senate by the date of the  
10 inauguration of the President-elect as President; and

11 (2) for all national security nominees received  
12 by the date of inauguration, the Senate committees  
13 to which these nominations are referred should, to  
14 the fullest extent possible, complete their consider-  
15 ation of these nominations, and, if such nominations  
16 are reported by the committees, the full Senate  
17 should vote to confirm or reject these nominations,  
18 within 30 days of their submission.

19 (c) SECURITY CLEARANCES FOR TRANSITION TEAM  
20 MEMBERS.—

21 (1) DEFINITION.—In this section, the term  
22 “major party” shall have the meaning given under  
23 section 9002(6) of the Internal Revenue Code of  
24 1986.

1           (2) IN GENERAL.—Each major party candidate  
2           for President, except a candidate who is the incum-  
3           bent President, may submit, before the date of the  
4           general election, requests for security clearances for  
5           prospective transition team members who will have  
6           a need for access to classified information to carry  
7           out their responsibilities as members of the Presi-  
8           dent-elect’s transition team.

9           (3) COMPLETION DATE.—Necessary back-  
10          ground investigations and eligibility determinations  
11          to permit appropriate prospective transition team  
12          members to have access to classified information  
13          shall be completed, to the fullest extent practicable,  
14          by the day after the date of the general election.

15          (d) CONSOLIDATION OF RESPONSIBILITY FOR PER-  
16          SONNEL SECURITY INVESTIGATIONS.—

17               (1) CONSOLIDATION.—

18                   (A) IN GENERAL.—Not later than 45 days  
19                   after the date of enactment of this Act, the  
20                   President shall select a single Federal agency to  
21                   provide and maintain all security clearances for  
22                   Federal employees and Federal contractor per-  
23                   sonnel who require access to classified informa-  
24                   tion, including conducting all investigation func-  
25                   tions.

1           (B) CONSIDERATIONS.—In selecting an  
2           agency under this paragraph, the President  
3           shall fully consider requiring the transfer of in-  
4           vestigation functions to the Office of Personnel  
5           Management as described under section 906 of  
6           the National Defense Authorization Act for Fis-  
7           cal Year 2004 (5 U.S.C. 1101 note).

8           (C) COORDINATION AND CONSOLIDATION  
9           OF RESPONSIBILITIES.—The Federal agency se-  
10          lected under this paragraph shall—

11               (i) take all necessary actions to carry  
12               out the responsibilities under this sub-  
13               section, including entering into a memo-  
14               randum of understanding with any agency  
15               carrying out such responsibilities before  
16               the date of enactment of this Act; and

17               (ii) identify any legislative actions  
18               necessary to further implement this sub-  
19               section.

20          (D) DATABASE.—The agency selected  
21          shall, as soon as practicable, establish and  
22          maintain a single database for tracking security  
23          clearance applications, investigations and eligi-  
24          bility determinations and ensure that security  
25          clearance investigations are conducted accord-

1 ing to uniform standards, including uniform se-  
2 curity questionnaires and financial disclosure  
3 requirements.

4 (E) POLYGRAPHS.—The President shall di-  
5 rect the agency selected under this paragraph  
6 to administer any polygraph examinations on  
7 behalf of agencies that require them.

8 (2) ACCESS.—The President, acting through  
9 the National Intelligence Director, shall—

10 (A) establish uniform standards and proce-  
11 dures for the grant of access to classified infor-  
12 mation to any officer or employee of any agency  
13 or department of the United States and to em-  
14 ployees of contractors of those agencies and de-  
15 partments;

16 (B) ensure the consistent implementation  
17 of those standards and procedures throughout  
18 such agencies and departments; and

19 (C) ensure that security clearances granted  
20 by individual elements of the intelligence com-  
21 munity are recognized by all elements of the in-  
22 telligence community, and under contracts en-  
23 tered into by such elements.

1 **TITLE V—THE ROLE OF DIPLO-**  
2 **MACY, FOREIGN AID, AND**  
3 **THE MILITARY IN THE WAR**  
4 **ON TERRORISM**

5 **SEC. 501. REPORT ON TERRORIST SANCTUARIES.**

6 (a) FINDINGS.—Consistent with the report of the Na-  
7 tional Commission on Terrorist Attacks Upon the United  
8 States, Congress makes the following findings:

9 (1) Complex terrorist operations require loca-  
10 tions that provide such operations sanctuary from  
11 interference by government or law enforcement per-  
12 sonnel.

13 (2) A terrorist sanctuary existed in Afghanistan  
14 before September 11, 2001.

15 (3) The terrorist sanctuary in Afghanistan pro-  
16 vided direct and indirect value to members of al  
17 Qaeda who participated in the terrorist attacks on  
18 the United States on September 11, 2001 and in  
19 other terrorist operations.

20 (4) Terrorist organizations have fled to some of  
21 the least governed and most lawless places in the  
22 world to find sanctuary.

23 (5) During the twenty-first century, terrorists  
24 are focusing on remote regions and failing states as  
25 locations to seek sanctuary.

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

3 (1) the United States Government should iden-  
4 tify and prioritize locations that are or that could be  
5 used as terrorist sanctuaries;

6 (2) the United States Government should have  
7 a realistic strategy that includes the use of all ele-  
8 ments of national power to keep possible terrorists  
9 from using a location as a sanctuary; and

10 (3) the United States Government should reach  
11 out, listen to, and work with countries in bilateral  
12 and multilateral fora to prevent locations from be-  
13 coming sanctuaries and to prevent terrorists from  
14 using locations as sanctuaries.

15 (c) STRATEGY ON TERRORIST SANCTUARIES.—

16 (1) REPORT REQUIRED.—Not later than 180  
17 days after the date of the enactment of this Act, the  
18 President shall submit to Congress a report that de-  
19 scribes a strategy for addressing and, where pos-  
20 sible, eliminating terrorist sanctuaries.

21 (2) CONTENT.—The report required under this  
22 section shall include the following:

23 (A) A description of actual and potential  
24 terrorist sanctuaries, together with an assess-

1           ment of the priorities of addressing and elimi-  
2           nating such sanctuaries.

3                   (B) An outline of strategies for disrupting  
4           or eliminating the security provided to terrorists  
5           by such sanctuaries.

6                   (C) A description of efforts by the United  
7           States Government to work with other countries  
8           in bilateral and multilateral fora to address or  
9           eliminate actual or potential terrorist sanc-  
10          tuaries and disrupt or eliminate the security  
11          provided to terrorists by such sanctuaries.

12                   (D) A description of long-term goals and  
13          actions designed to reduce the conditions that  
14          allow the formation of terrorist sanctuaries,  
15          such as supporting and strengthening host gov-  
16          ernments, reducing poverty, increasing eco-  
17          nomic development, strengthening civil society,  
18          securing borders, strengthening internal secu-  
19          rity forces, and disrupting logistics and commu-  
20          nications networks of terrorist groups.

21   **SEC. 502. ROLE OF PAKISTAN IN COUNTERING TERRORISM.**

22           (a) FINDINGS.—Consistent with the report of the Na-  
23          tional Commission on Terrorist Attacks Upon the United  
24          States, Congress makes the following findings:



1           (1) The Government of Pakistan has a critical  
2           role to perform in the struggle against Islamist ter-  
3           rorism.

4           (2) The endemic poverty, widespread corrup-  
5           tion, and frequent ineffectiveness of government in  
6           Pakistan create opportunities for Islamist recruit-  
7           ment.

8           (3) The poor quality of education in Pakistan  
9           is particularly worrying, as millions of families send  
10          their children to madrassahs, some of which have  
11          been used as incubators for violent extremism.

12          (4) The vast unpoliced regions in Pakistan  
13          make the country attractive to extremists seeking  
14          refuge and recruits and also provide a base for oper-  
15          ations against coalition forces in Afghanistan.

16          (5) A stable Pakistan, with a government advo-  
17          cating “enlightened moderation” in the Muslim  
18          world, is critical to stability in the region.

19          (6) There is a widespread belief among the peo-  
20          ple of Pakistan that the United States has long  
21          treated them as allies of convenience.

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

24                 (1) the United States should make a long-term  
25                 commitment to assisting in ensuring a promising,

1 stable, and secure future in Pakistan, as long as its  
2 leaders remain committed to combatting extremists  
3 and implementing a strategy of “enlightened mod-  
4 eration”;

5 (2) the United States aid to Pakistan should be  
6 fulsome and, at a minimum, sustained at the fiscal  
7 year 2004 levels;

8 (3) the United States should support the Gov-  
9 ernment of Pakistan with a comprehensive effort  
10 that extends from military aid to support for better  
11 education; and

12 (4) the United States Government should de-  
13 vote particular attention and resources to assisting  
14 in the improvement of the quality of education in  
15 Pakistan.

16 (c) REPORT ON SUPPORT FOR PAKISTAN.—

17 (1) REPORT REQUIRED.—Not later than 180  
18 days after the date of the enactment of this Act, the  
19 President shall submit to Congress a report on the  
20 efforts of the United States Government to support  
21 Pakistan and encourage moderation in that country.

22 (2) CONTENT.—The report required under this  
23 section shall include the following:

24 (A) An examination of the desirability of  
25 establishing a Pakistan Education Fund to di-

1 rect resources toward improving the quality of  
2 secondary schools in Pakistan.

3 (B) Recommendations on the funding nec-  
4 essary to provide various levels of educational  
5 support.

6 (C) An examination of the current com-  
7 position and levels of United States military aid  
8 to Pakistan, together with any recommenda-  
9 tions for changes in such levels and composition  
10 that the President considers appropriate.

11 (D) An examination of other major types  
12 of United States financial support to Pakistan,  
13 together with any recommendations for changes  
14 in the levels and composition of such support  
15 that the President considers appropriate.

16 **SEC. 503. AID TO AFGHANISTAN.**

17 (a) FINDINGS.—Consistent with the report of the Na-  
18 tional Commission on Terrorist Attacks Upon the United  
19 States, Congress makes the following findings:

20 (1) The United States and its allies in the  
21 international community have made progress in pro-  
22 moting economic and political reform within Afghan-  
23 istan, including the establishment of a central gov-  
24 ernment with a democratic constitution, a new cur-  
25 rency, and a new army, the increase of personal

1 freedom, and the elevation of the standard of living  
2 of many Afghans.

3 (2) A number of significant obstacles must be  
4 overcome if Afghanistan is to become a secure and  
5 prosperous democracy, and such a transition de-  
6 pends in particular upon—

7 (A) improving security throughout the  
8 country;

9 (B) disarming and demobilizing militias;

10 (C) curtailing the rule of the warlords;

11 (D) promoting equitable economic develop-  
12 ment;

13 (E) protecting the human rights of the  
14 people of Afghanistan;

15 (F) holding elections for public office; and

16 (G) ending the cultivation and trafficking  
17 of narcotics.

18 (3) The United States and the international  
19 community must make a long-term commitment to  
20 addressing the deteriorating security situation in Af-  
21 ghanistan and the burgeoning narcotics trade, en-  
22 demic poverty, and other serious problems in Af-  
23 ghanistan in order to prevent that country from re-  
24 lapsing into a sanctuary for international terrorism.

1 (b) POLICY.—It shall be the policy of the United  
2 States to take the following actions with respect to Af-  
3 ghanistan:

4 (1) Working with other nations to obtain long-  
5 term security, political, and financial commitments  
6 and fulfillment of pledges to the Government of Af-  
7 ghanistan to accomplish the objectives of the Af-  
8 ghanistan Freedom Support Act of 2002 (22 U.S.C.  
9 7501 et seq.), especially to ensure a secure, demo-  
10 cratic, and prosperous Afghanistan that respects the  
11 rights of its citizens and is free of international ter-  
12 rorist organizations.

13 (2) Using the voice and vote of the United  
14 States in relevant international organizations, in-  
15 cluding the North Atlantic Treaty Organization and  
16 the United Nations Security Council, to strengthen  
17 international commitments to assist the Government  
18 of Afghanistan in enhancing security, building na-  
19 tional police and military forces, increasing counter-  
20 narcotics efforts, and expanding infrastructure and  
21 public services throughout the country.

22 (3) Taking appropriate steps to increase the as-  
23 sistance provided under programs of the Department  
24 of State and the United States Agency for Inter-  
25 national Development throughout Afghanistan and

1 to increase the number of personnel of those agen-  
2 cies in Afghanistan as necessary to support the in-  
3 creased assistance.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) FISCAL YEAR 2005.—There are authorized  
6 to be appropriated to the President for fiscal year  
7 2005 for assistance for Afghanistan, in addition to  
8 any amounts otherwise available for the following  
9 purposes, the following amounts:

10 (A) For Development Assistance to carry  
11 out the provisions of sections 103, 105, and  
12 106 of the Foreign Assistance Act of 1961 (22  
13 U.S.C. 2151a, 2151c, and 2151d),  
14 \$400,000,000.

15 (B) For the Child Survival and Health  
16 Program Fund to carry out the provisions of  
17 section 104 of the Foreign Assistance Act of  
18 1961 (22 U.S.C. 2151b), \$100,000,000.

19 (C) For the Economic Support Fund to  
20 carry out the provisions of chapter 4 of part II  
21 of the Foreign Assistance Act of 1961 (22  
22 U.S.C. 2346 et seq.), \$550,000,000.

23 (D) For International Narcotics and Law  
24 Enforcement to carry out the provisions of sec-

1           tion 481 of the Foreign Assistance Act of 1961  
2           (22 U.S.C. 2291), \$360,000,000.

3           (E) For Nonproliferation, Anti-Terrorism,  
4           Demining, and Related Programs, \$50,000,000.

5           (F) For International Military Education  
6           and Training to carry out the provisions of sec-  
7           tion 541 of the Foreign Assistance Act of 1961  
8           (22 U.S.C. 2347), \$2,000,000.

9           (G) For Foreign Military Financing Pro-  
10          gram grants to carry of the provision of section  
11          23 of the Arms Export Control Act (22 U.S.C.  
12          2763), \$880,000,000.

13          (H) For Peacekeeping Operations to carry  
14          out the provisions of section 551 of the Foreign  
15          Assistance Act of 1961 (22 U.S.C. 2348),  
16          \$60,000,000.

17          (2) FISCAL YEARS 2006 THROUGH 2009.—There  
18          are authorized to be appropriated to the President  
19          for each of fiscal years 2006 through 2009 such  
20          sums as may be necessary for financial and other as-  
21          sistance to Afghanistan.

22          (3) CONDITIONS FOR ASSISTANCE.—Assistance  
23          provided by the President under this subsection—

24                  (A) shall be consistent with the Afghani-  
25          stan Freedom Support Act of 2002; and

1 (B) shall be provided with reference to the  
2 “Securing Afghanistan’s Future” document  
3 published by the Government of Afghanistan.

4 (d) SENSE OF CONGRESS.—It is the sense of Con-  
5 gress that Congress should, in consultation with the Presi-  
6 dent, update and revise, as appropriate, the Afghanistan  
7 Freedom Support Act of 2002.

8 (e) STRATEGY AND SUPPORT REGARDING UNITED  
9 STATES AID TO AFGHANISTAN.—

10 (1) REQUIREMENT FOR STRATEGY.—Not later  
11 than 180 days after the date of the enactment of  
12 this Act, the President shall submit to Congress a  
13 5-year strategy for providing aid to Afghanistan.

14 (2) CONTENT.—The strategy required under  
15 paragraph (1) shall describe the resources that will  
16 be needed during the next 5 years to achieve specific  
17 objectives in Afghanistan, including in the following  
18 areas:

19 (A) Fostering economic development.

20 (B) Curtailing the cultivation of opium.

21 (C) Achieving internal security and sta-  
22 bility.

23 (D) Eliminating terrorist sanctuaries.

24 (E) Increasing governmental capabilities.



1 (F) Improving essential infrastructure and  
2 public services.

3 (G) Improving public health services.

4 (H) Establishing a broad-based edu-  
5 cational system.

6 (I) Promoting democracy and the rule of  
7 law.

8 (J) Building national police and military  
9 forces.

10 (3) UPDATES.—Beginning not later than 1 year  
11 after the strategy is submitted to Congress under  
12 paragraph (1), the President shall submit to Con-  
13 gress an annual report—

14 (A) updating the progress made toward  
15 achieving the goals outlined in the strategy  
16 under this subsection; and

17 (B) identifying shortfalls in meeting those  
18 goals and the resources needed to fully achieve  
19 them.

20 **SEC. 504. THE UNITED STATES-SAUDI ARABIA RELATION-**  
21 **SHIP.**

22 (a) FINDINGS.—Consistent with the report of the Na-  
23 tional Commission on Terrorist Attacks Upon the United  
24 States, Congress makes the following findings:

1           (1) Despite a long history of friendly relations  
2       with the United States, Saudi Arabia has been a  
3       problematic ally in combating Islamic extremism.

4           (2) Cooperation between the Governments of  
5       the United States and Saudi Arabia has traditionally  
6       been carried out in private.

7           (3) The Government of Saudi Arabia has not  
8       always responded promptly and fully to United  
9       States requests for assistance in the global war on  
10      Islamist terrorism.

11          (4) Counterterrorism cooperation between the  
12      Governments of the United States and Saudi Arabia  
13      has improved significantly since the terrorist bomb-  
14      ing attacks in Riyadh, Saudi Arabia, on May 12,  
15      2003.

16          (5) The Government of Saudi Arabia is now ag-  
17      gressively pursuing al Qaeda and appears to be act-  
18      ing to build a domestic consensus for some internal  
19      reforms.

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

22          (1) the problems in the relationship between the  
23      United States and Saudi Arabia must be confronted  
24      openly, and the opportunities for cooperation be-

1       tween the countries must be pursued openly by those  
2       governments;

3           (2) both governments must build a relationship  
4       that they can publicly defend and that is based on  
5       other national interests in addition to their national  
6       interests in oil;

7           (3) this relationship should include a shared  
8       commitment to political and economic reform in  
9       Saudi Arabia; and

10          (4) this relationship should also include a  
11       shared interest in greater tolerance and respect for  
12       other cultures in Saudi Arabia and a commitment to  
13       fight the violent extremists who foment hatred in the  
14       Middle East.

15       (c) REPORT.—

16           (1) REPORT REQUIRED.—Not later than 180  
17       days after the date of the enactment of this Act, the  
18       President shall submit to Congress a strategy for ex-  
19       panding collaboration with the Government of Saudi  
20       Arabia on subjects of mutual interest and of impor-  
21       tance to the United States.

22           (2) SCOPE.—As part of this strategy, the Presi-  
23       dent shall consider the utility of undertaking a peri-  
24       odic, formal, and visible high-level dialogue between  
25       senior United States Government officials of cabinet

1 level or higher rank and their counterparts in the  
2 Government of Saudi Arabia to address challenges  
3 in the relationship between the 2 governments and  
4 to identify areas and mechanisms for cooperation.

5 (3) CONTENT.—The strategy under this sub-  
6 section shall encompass—

7 (A) intelligence and security cooperation in  
8 the fight against Islamist terrorism;

9 (B) ways to advance the Middle East peace  
10 process;

11 (C) political and economic reform in Saudi  
12 Arabia and throughout the Middle East; and

13 (D) the promotion of greater tolerance and  
14 respect for cultural and religious diversity in  
15 Saudi Arabia and throughout the Middle East.

16 **SEC. 505. EFFORTS TO COMBAT ISLAMIC TERRORISM BY**  
17 **ENGAGING IN THE STRUGGLE OF IDEAS IN**  
18 **THE ISLAMIC WORLD.**

19 (a) FINDINGS.—Consistent with the report of the Na-  
20 tional Commission on Terrorist Attacks Upon the United  
21 States, Congress makes the following findings:

22 (1) While support for the United States has  
23 plummeted in the Islamic world, many negative  
24 views are uninformed, at best, and, at worst, are in-  
25 formed by coarse stereotypes and caricatures.

1           (2) Local newspapers in Islamic countries and  
2           influential broadcasters who reach Islamic audiences  
3           through satellite television often reinforce the idea  
4           that the people and Government of the United  
5           States are anti-Muslim.

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

8           (1) the Government of the United States should  
9           offer an example of moral leadership in the world  
10          that includes a commitment to treat all people hu-  
11          manely, abide by the rule of law, and be generous  
12          and caring to the people and governments of other  
13          countries;

14          (2) the United States should cooperate with  
15          governments of Islamic countries to foster agree-  
16          ment on respect for human dignity and opportunity,  
17          and to offer a vision of a better future that includes  
18          stressing life over death, individual educational and  
19          economic opportunity, widespread political participa-  
20          tion, contempt for indiscriminate violence, respect  
21          for the rule of law, openness in discussing dif-  
22          ferences, and tolerance for opposing points of view;

23          (3) the United States should encourage reform,  
24          freedom, democracy, and opportunity for Arabs and

1 Muslims and promote moderation in the Islamic  
2 world; and

3 (4) the United States should work to defeat ex-  
4 tremist ideology in the Islamic world by providing  
5 assistance to moderate Arabs and Muslims to com-  
6 bat extremist ideas.

7 (c) REPORT ON THE STRUGGLE OF IDEAS IN THE  
8 ISLAMIC WORLD.—

9 (1) REPORT REQUIRED.—Not later than 180  
10 days after the date of the enactment of this Act, the  
11 President shall submit to Congress a report that  
12 contains a cohesive long-term strategy for the  
13 United States Government to help win the struggle  
14 of ideas in the Islamic world.

15 (2) CONTENT.—The report required under this  
16 section shall include the following:

17 (A) A description of specific goals related  
18 to winning this struggle of ideas.

19 (B) A description of the range of tools  
20 available to the United States Government to  
21 accomplish these goals and the manner in which  
22 such tools will be employed.

23 (C) A list of benchmarks for measuring  
24 success and a plan for linking resources to the  
25 accomplishment of these goals.

1 (D) A description of any additional re-  
2 sources that may be necessary to help win this  
3 struggle of ideas.

4 (E) Any recommendations for the creation  
5 of, and United States participation in, inter-  
6 national institutions for the promotion of de-  
7 mocracy and economic diversification in the Is-  
8 lamic world, and intra-regional trade in the  
9 Middle East.

10 (F) An estimate of the level of United  
11 States financial assistance that would be suffi-  
12 cient to convince United States allies and peo-  
13 ple in the Islamic world that engaging in the  
14 struggle of ideas in the Islamic world is a top  
15 priority of the United States and that the  
16 United States intends to make a substantial  
17 and sustained commitment toward winning this  
18 struggle.

19 **SEC. 506. UNITED STATES POLICY TOWARD DICTATOR-**  
20 **SHIPS.**

21 (a) FINDING.—Consistent with the report of the Na-  
22 tional Commission on Terrorist Attacks Upon the United  
23 States, Congress finds that short-term gains enjoyed by  
24 the United States through cooperation with the world's  
25 most repressive and brutal governments are too often out-

1 weighed by long-term setbacks for the stature and inter-  
2 ests of the United States.

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

5 (1) United States foreign policy should promote  
6 the value of life and the importance of individual  
7 educational and economic opportunity, encourage  
8 widespread political participation, condemn indis-  
9 criminate violence, and promote respect for the rule  
10 of law, openness in discussing differences among  
11 people, and tolerance for opposing points of view;  
12 and

13 (2) the United States Government must prevail  
14 upon the governments of all predominantly Muslim  
15 countries, including those that are friends and allies  
16 of the United States, to condemn indiscriminate vio-  
17 lence, promote the value of life, respect and promote  
18 the principles of individual education and economic  
19 opportunity, encourage widespread political partici-  
20 pation, and promote the rule of law, openness in dis-  
21 cussing differences among people, and tolerance for  
22 opposing points of view.



1 **SEC. 507. PROMOTION OF UNITED STATES VALUES**  
2 **THROUGH BROADCAST MEDIA.**

3 (a) FINDINGS.—Consistent with the report of the Na-  
4 tional Commission on Terrorist Attacks Upon the United  
5 States, Congress makes the following findings:

6 (1) Although the United States has dem-  
7 onstrated and promoted its values in defending Mus-  
8 lims against tyrants and criminals in Somalia, Bos-  
9 nia, Kosovo, Afghanistan, and Iraq, this message is  
10 not always clearly presented in the Islamic world.

11 (2) If the United States does not act to vigor-  
12 ously define its message in the Islamic world, the  
13 image of the United States will be defined by Is-  
14 lamic extremists who seek to demonize the United  
15 States.

16 (3) Recognizing that many Arab and Muslim  
17 audiences rely on satellite television and radio, the  
18 United States Government has launched promising  
19 initiatives in television and radio broadcasting to the  
20 Arab world, Iran, and Afghanistan.

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

23 (1) the United States must do more to defend  
24 and promote its values and ideals to the broadest  
25 possible audience in the Islamic world;

1           (2) United States efforts to defend and promote  
2           these values and ideals are beginning to ensure that  
3           accurate expressions of these values reach large au-  
4           diences in the Islamic world and should be robustly  
5           supported;

6           (3) the United States Government could and  
7           should do more to engage the Muslim world in the  
8           struggle of ideas; and

9           (4) the United States Government should more  
10          intensively employ existing broadcast media in the  
11          Islamic world as part of this engagement.

12          (c) REPORT ON OUTREACH STRATEGY.—

13               (1) REPORT REQUIRED.—Not later than 180  
14               days after the date of the enactment of this Act, the  
15               President shall submit to Congress a report on the  
16               strategy of the United States Government for ex-  
17               panding its outreach to foreign Muslim audiences  
18               through broadcast media.

19               (2) CONTENT.—The report shall include the  
20               following:

21                       (A) The initiatives of the Broadcasting  
22                       Board of Governors and the public diplomacy  
23                       activities of the Department of State with re-  
24                       spect to outreach to foreign Muslim audiences.

1           (B) An outline of recommended actions  
2           that the United States Government should take  
3           to more regularly and comprehensively present  
4           a United States point of view through indige-  
5           nous broadcast media in countries with sizable  
6           Muslim populations, including increasing ap-  
7           pearances by United States Government offi-  
8           cials, experts, and citizens.

9           (C) An assessment of potential incentives  
10          for, and costs associated with, encouraging  
11          United States broadcasters to dub or subtitle  
12          into Arabic and other relevant languages their  
13          news and public affairs programs broadcast in  
14          the Muslim world in order to present those pro-  
15          grams to a much broader Muslim audience than  
16          is currently reached.

17          (D) Any recommendations the President  
18          may have for additional funding and legislation  
19          necessary to achieve the objectives of the strat-  
20          egy.

21          (d) AUTHORIZATIONS OF APPROPRIATIONS.—There  
22          are authorized to be appropriated to the President to carry  
23          out United States Government broadcasting activities  
24          under the United States Information and Educational Ex-  
25          change Act of 1948 (22 U.S.C. 1431 et seq.), the United

1 States International Broadcasting Act of 1994 (22 U.S.C.  
 2 6201 et seq.), and the Foreign Affairs Reform and Re-  
 3 structuring Act of 1998 (22 U.S.C. 6501 et seq.), and to  
 4 carry out other activities under this section consistent with  
 5 the purposes of such Acts, the following amounts:

6 (1) INTERNATIONAL BROADCASTING OPER-  
 7 ATIONS.—For International Broadcasting Oper-  
 8 ations—

9 (A) \$717,160,000 for fiscal year 2005; and

10 (B) such sums as may be necessary for  
 11 each of the fiscal years 2006 through 2009.

12 (2) BROADCASTING CAPITAL IMPROVEMENTS.—  
 13 For Broadcasting Capital Improvements—

14 (A) \$11,040,000 for fiscal year 2005; and

15 (B) such sums as may be necessary for  
 16 each of the fiscal years 2006 through 2009.

17 **SEC. 508. USE OF UNITED STATES SCHOLARSHIP AND EX-**  
 18 **CHANGE PROGRAMS IN THE ISLAMIC WORLD.**

19 (a) FINDINGS.—Consistent with the report of the Na-  
 20 tional Commission on Terrorist Attacks Upon the United  
 21 States, Congress makes the following findings:

22 (1) Exchange, scholarship, and library pro-  
 23 grams are effective ways for the United States Gov-  
 24 ernment to promote internationally the values and  
 25 ideals of the United States.

1           (2) Exchange, scholarship, and library pro-  
2           grams can expose young people from other countries  
3           to United States values and offer them knowledge  
4           and hope.

5           (b) SENSE OF CONGRESS.—It is the sense of Con-  
6           gress that the United States should expand its exchange,  
7           scholarship, and library programs, especially those that  
8           benefit people in the Arab and Muslim worlds.

9           (c) DEFINITIONS.—In this section:

10           (1) ELIGIBLE COUNTRY.—The term “eligible  
11           country” means a country or entity in Africa, the  
12           Middle East, Central Asia, South Asia, or Southeast  
13           Asia that—

14                   (A) has a sizable Muslim population; and

15                   (B) is designated by the Secretary of State  
16           as eligible to participate in programs under this  
17           section.

18           (2) SECRETARY.—Except as otherwise specifi-  
19           cally provided, the term “Secretary” means the Sec-  
20           retary of State.

21           (3) UNITED STATES ENTITY.—The term  
22           “United States entity” means an entity that is orga-  
23           nized under the laws of the United States, any  
24           State, the District of Columbia, the Commonwealth  
25           of Puerto Rico, Guam, the United States Virgin Is-

lands, the Commonwealth of the Northern Mariana Islands, American Samoa, or any other territory or possession of the United States.

(4) UNITED STATES SPONSORING ORGANIZATION.—The term “United States sponsoring organization” means a nongovernmental organization that is—

(A) based in the United States; and

(B) controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by subsection (e).

(d) EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.—

(1) PURPOSE.—The purpose of this subsection is to provide for the expansion of international educational and cultural exchange programs between the United States and eligible countries.

(2) SPECIFIC PROGRAMS.—In carrying out this subsection, the Secretary is authorized to conduct or initiate programs in eligible countries as follows:

(A) FULBRIGHT EXCHANGE PROGRAM.—

(i) INCREASED NUMBER OF AWARDS.—The Secretary is authorized to

1 substantially increase the number of  
2 awards under the J. William Fulbright  
3 Educational Exchange Program.

4 (ii) INTERNATIONAL SUPPORT FOR  
5 FULBRIGHT PROGRAM.—The Secretary  
6 shall work to increase support for the J.  
7 William Fulbright Educational Exchange  
8 Program in eligible countries in order to  
9 enhance academic and scholarly exchanges  
10 with those countries.

11 (B) HUBERT H. HUMPHREY FELLOW-  
12 SHIPS.—The Secretary is authorized to sub-  
13 stantially increase the number of Hubert H.  
14 Humphrey Fellowships awarded to candidates  
15 from eligible countries.

16 (C) SISTER INSTITUTIONS PROGRAMS.—  
17 The Secretary is authorized to facilitate the es-  
18 tablishment of sister institution programs be-  
19 tween cities and municipalities and other insti-  
20 tutions in the United States and in eligible  
21 countries in order to enhance mutual under-  
22 standing at the community level.

23 (D) LIBRARY TRAINING EXCHANGES.—The  
24 Secretary is authorized to develop a demonstra-  
25 tion program, including training in the library

1 sciences, to assist governments in eligible coun-  
2 tries to establish or upgrade the public library  
3 systems of such countries for the purpose of im-  
4 proving literacy.

5 (E) INTERNATIONAL VISITORS PRO-  
6 GRAM.—The Secretary is authorized to expand  
7 the number of participants from eligible coun-  
8 tries in the International Visitors Program.

9 (F) YOUTH AMBASSADORS.—

10 (i) IN GENERAL.—The Secretary is  
11 authorized to establish a youth ambas-  
12 sadors program for visits by middle and  
13 secondary school students from eligible  
14 countries to the United States to partici-  
15 pate in activities, including cultural and  
16 educational activities, that are designed to  
17 familiarize participating students with  
18 United States society and values.

19 (ii) VISITS.—The visits of students  
20 who are participating in the youth ambas-  
21 sador program under clause (i) shall be  
22 scheduled during the school holidays in the  
23 home countries of the students and may  
24 not exceed 4 weeks.



1 (iii) CRITERIA.—Students selected to  
2 participate in the youth ambassador pro-  
3 gram shall reflect the economic and geo-  
4 graphic diversity of eligible countries.

5 (G) EDUCATION REFORM.—The Secretary  
6 is authorized—

7 (i) to expand programs that seek to  
8 improve the quality of primary and sec-  
9 ondary school systems in eligible countries;  
10 and

11 (ii) in order to foster understanding of  
12 the United States, to promote civic edu-  
13 cation through teacher exchanges, teacher  
14 training, textbook modernization, and  
15 other efforts.

16 (H) PROMOTION OF RELIGIOUS FREE-  
17 DOM.—The Secretary is authorized to establish  
18 a program to promote dialogue and exchange  
19 among leaders and scholars of all faiths from  
20 the United States and eligible countries.

21 (I) BRIDGING THE DIGITAL DIVIDE.—The  
22 Secretary is authorized to establish a program  
23 to help foster access to information technology  
24 among underserved populations and by civil so-  
25 ciety groups in eligible countries.

1           (J) PEOPLE-TO-PEOPLE DIPLOMACY.—The  
2           Secretary is authorized to expand efforts to  
3           promote United States public diplomacy inter-  
4           ests in eligible countries through cultural, arts,  
5           entertainment, sports and other exchanges.

6           (K) COLLEGE SCHOLARSHIPS.—

7                 (i) IN GENERAL.—The Secretary is  
8                 authorized to establish a program to offer  
9                 scholarships to permit individuals to attend  
10                eligible colleges and universities.

11               (ii) ELIGIBILITY FOR PROGRAM.—To  
12                be eligible for the scholarship program, an  
13                individual shall be a citizen or resident of  
14                an eligible country who has graduated  
15                from a secondary school in an eligible  
16                country.

17               (iii) ELIGIBLE COLLEGE OR UNIVER-  
18                SITY DEFINED.—In this subparagraph, the  
19                term “eligible college or university” means  
20                a college or university that is organized  
21                under the laws of the United States, a  
22                State, or the District of Columbia, accred-  
23                ited by an accrediting agency recognized by  
24                the Secretary of Education, and primarily

1 located in, but not controlled by, an eligible  
2 country.

3 (L) LANGUAGE TRAINING PROGRAM.—The  
4 Secretary is authorized to provide travel and  
5 subsistence funding for students who are  
6 United States citizens to travel to eligible coun-  
7 tries to participate in immersion training pro-  
8 grams in languages used in such countries and  
9 to develop regulations governing the provision  
10 of such funding.

11 (e) SECONDARY SCHOOL EXCHANGE PROGRAM.—

12 (1) IN GENERAL.—The Secretary is authorized  
13 to establish an international exchange visitor pro-  
14 gram, modeled on the Future Leaders Exchange  
15 Program established under the FREEDOM Support  
16 Act (22 U.S.C. 5801 et seq.), for eligible students  
17 to—

18 (A) attend public secondary school in the  
19 United States;

20 (B) live with a host family in the United  
21 States; and

22 (C) participate in activities designed to  
23 promote a greater understanding of United  
24 States and Islamic values and culture.

1           (2) ELIGIBLE STUDENT DEFINED.—In this sub-  
2           section, the term “eligible student” means an indi-  
3           vidual who—

4                   (A) is a national of an eligible country;

5                   (B) is at least 15 years of age but not  
6           more than 18 years and 6 months of age at the  
7           time of enrollment in the program;

8                   (C) is enrolled in a secondary school in an  
9           eligible country;

10                  (D) has completed not more than 11 years  
11           of primary and secondary education, exclusive  
12           of kindergarten;

13                  (E) demonstrates maturity, good char-  
14           acter, and scholastic aptitude, and has the pro-  
15           ficiency in the English language necessary to  
16           participate in the program;

17                  (F) has not previously participated in an  
18           exchange program in the United States spon-  
19           sored by the Government of the United States;  
20           and

21                  (G) is not prohibited from entering the  
22           United States under any provision of the Immi-  
23           gration and Nationality Act (8 U.S.C. 1101 et  
24           seq.) or any other provision of law related to  
25           immigration and nationality.

1           (3) COMPLIANCE WITH VISA REQUIREMENTS.—

2           An eligible student may not participate in the ex-  
3           change visitor program authorized by paragraph (1)  
4           unless the eligible student has the status of non-  
5           immigrant under section 101(a)(15)(J) of the Immi-  
6           gration and Nationality Act (8 U.S.C.  
7           1101(a)(15)(J)).

8           (4) BROAD PARTICIPATION.—Whenever appro-  
9           priate, the Secretary shall make special provisions to  
10          ensure the broadest possible participation in the ex-  
11          change visitor program authorized by paragraph (1),  
12          particularly among females and less advantaged citi-  
13          zens of eligible countries.

14          (5) DESIGNATED EXCHANGE VISITOR PRO-  
15          GRAM.—The exchange visitor program authorized by  
16          paragraph (1) shall be a designated exchange visitor  
17          program for the purposes of section 641 of the Ille-  
18          gal Immigration Reform and Immigrant Responsi-  
19          bility Act of 1996 (8 U.S.C. 1372).

20          (6) REGULAR REPORTING TO THE SEC-  
21          RETARY.—If the Secretary utilizes a United States  
22          sponsoring organization to carry out the exchange  
23          visitor program authorized by paragraph (1), such  
24          United States sponsoring organization shall report

1 regularly to the Secretary on the progress it has  
2 made to implement such program.

3 (f) REPORT ON EXPEDITING VISAS FOR PARTICI-  
4 PANTS IN EXCHANGE, SCHOLARSHIP, AND VISITORS PRO-  
5 GRAMS.—

6 (1) REQUIREMENT.—Not later than 180 days  
7 after the date of the enactment of this Act, the Sec-  
8 retary and the Secretary of Homeland Security shall  
9 submit to Congress a report on expediting the  
10 issuance of visas to individuals who are entering the  
11 United States for the purpose of participating in a  
12 scholarship, exchange, or visitor program authorized  
13 in subsection (d) or (e) without compromising the  
14 security of the United States.

15 (2) RECOMMENDATIONS.—The report required  
16 by paragraph (1) shall include—

17 (A) the recommendations of the Secretary  
18 and the Secretary of Homeland Security, if any,  
19 for methods to expedite the processing of re-  
20 quests for such visas; and

21 (B) a proposed schedule for implementing  
22 any recommendations described in subpara-  
23 graph (A).

24 (g) AUTHORIZATION OF APPROPRIATIONS.—Of the  
25 amounts authorized to be appropriated for educational

1 and cultural exchange programs for fiscal year 2005, there  
2 is authorized to be appropriated to the Department of  
3 State \$60,000,000 to carry out programs under this sec-  
4 tion.

5 **SEC. 509. INTERNATIONAL YOUTH OPPORTUNITY FUND.**

6 (a) FINDINGS.—Consistent with the report of the Na-  
7 tional Commission on Terrorist Attacks Upon the United  
8 States, Congress makes the following findings:

9 (1) Education that teaches tolerance, the dig-  
10 nity and value of each individual, and respect for  
11 different beliefs is a key element in any global strat-  
12 egy to eliminate Islamist terrorism.

13 (2) Education in the Middle East about the  
14 world outside that region is weak.

15 (3) The United Nations has rightly equated lit-  
16 eracy with freedom.

17 (4) The international community is moving to-  
18 ward setting a concrete goal of reducing by half the  
19 illiteracy rate in the Middle East by 2010, through  
20 the implementation of education programs targeting  
21 women and girls and programs for adult literacy,  
22 and by other means.

23 (5) To be effective, the effort to improve edu-  
24 cation in the Middle East must also include—

1           (A) support for the provision of basic edu-  
2           cation tools, such as textbooks that translate  
3           more of the world’s knowledge into local lan-  
4           guages and local libraries to house such mate-  
5           rials; and

6           (B) more vocational education in trades  
7           and business skills.

8           (6) The Middle East can benefit from some of  
9           the same programs to bridge the digital divide that  
10          already have been developed for other regions of the  
11          world.

12         (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—

13           (1) ESTABLISHMENT.—

14           (A) IN GENERAL.—The President shall es-  
15           tablish an International Youth Opportunity  
16           Fund (hereafter in this section referred to as  
17           the “Fund”).

18           (B) INTERNATIONAL PARTICIPATION.—

19           The President shall seek the cooperation of the  
20           international community in establishing and  
21           generously supporting the Fund.

22           (2) PURPOSE.—The purpose of the Fund shall  
23           be to provide financial assistance for the improve-  
24           ment of public education in the Middle East, includ-  
25           ing assistance for the construction and operation of



1 primary and secondary schools in countries that  
2 have a sizable Muslim population and that commit  
3 to sensibly investing their own financial resources in  
4 public education.

5 (3) ELIGIBILITY FOR ASSISTANCE.—

6 (A) DETERMINATION.—The Secretary of  
7 State, in coordination with the Administrator of  
8 the United States Agency for International De-  
9 velopment, shall determine which countries are  
10 eligible for assistance through the Fund.

11 (B) CRITERIA.—In determining whether a  
12 country is eligible for assistance, the Secretary  
13 shall consider whether the government of that  
14 country is sensibly investing financial resources  
15 in public education and is committed to pro-  
16 moting a system of education that teaches toler-  
17 ance, the dignity and value of each individual,  
18 and respect for different beliefs.

19 (4) USE OF FUNDS.—Financial assistance pro-  
20 vided through the Fund shall be used for expanding  
21 literacy programs, providing textbooks, reducing the  
22 digital divide, expanding vocational and business  
23 education, constructing and operating public schools,  
24 establishing local libraries, training teachers in mod-  
25 ern education techniques, and promoting public edu-

1 cation that teaches tolerance, the dignity and value  
2 of each individual, and respect for different beliefs.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days  
5 after the date of the enactment of this Act, and an-  
6 nually thereafter, the Secretary of State and the Ad-  
7 ministrator of the United States Agency for Inter-  
8 national Development shall jointly prepare and sub-  
9 mit to Congress a report on the improvement of edu-  
10 cation in the Middle East.

11 (2) CONTENT.—Reports submitted under this  
12 subsection shall include the following:

13 (A) A general strategy for working with el-  
14 igible host governments in the Middle East to-  
15 ward establishing the International Youth Op-  
16 portunity Fund and related programs.

17 (B) A listing of countries that are eligible  
18 for assistance under such programs.

19 (C) A description of the specific programs  
20 initiated in each eligible country and the  
21 amount expended in support of such programs.

22 (D) A description of activities undertaken  
23 to close the digital divide and expand vocational  
24 and business skills in eligible countries.

1 (E) A listing of activities that could be un-  
2 dertaken if additional funding were provided  
3 and the amount of funding that would be nec-  
4 essary to carry out such activities.

5 (F) A strategy for garnering programmatic  
6 and financial support from international organi-  
7 zations and other countries in support of the  
8 Fund and activities related to the improvement  
9 of public education in eligible countries.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the President for the  
12 establishment of the International Youth Opportunity  
13 Fund, in addition to any amounts otherwise available for  
14 such purpose, \$40,000,000 for fiscal year 2005 and such  
15 sums as may be necessary for fiscal years 2006 through  
16 2009.

17 **SEC. 510. REPORT ON THE USE OF ECONOMIC POLICIES TO**  
18 **COMBAT TERRORISM.**

19 (a) FINDINGS.—Consistent with the report of the Na-  
20 tional Commission on Terrorist Attacks Upon the United  
21 States, Congress makes the following findings:

22 (1) While terrorism is not caused by poverty,  
23 breeding grounds for terrorism are created by back-  
24 ward economic policies and repressive political re-  
25 gimes.

1           (2) Policies that support economic development  
2           and reform also have political implications, as eco-  
3           nomic and political liberties are often linked.

4           (3) The United States is working toward cre-  
5           ating a Middle East Free Trade Area by 2013 and  
6           implementing a free trade agreement with Bahrain,  
7           and free trade agreements exist between the United  
8           States and Israel and the United States and Jordan.

9           (4) Existing and proposed free trade agree-  
10          ments between the United States and Islamic coun-  
11          tries are drawing interest from other countries in  
12          the Middle East region, and Islamic countries can  
13          become full participants in the rules-based global  
14          trading system, as the United States considers low-  
15          ering its barriers to trade with the poorest Arab  
16          countries.

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

19               (1) a comprehensive United States strategy to  
20               counter terrorism should include economic policies  
21               that encourage development, open societies, and op-  
22               portunities for people to improve the lives of their  
23               families and to enhance prospects for their children's  
24               future;

1           (2) 1 element of such a strategy should encom-  
2           pass the lowering of trade barriers with the poorest  
3           countries that have a significant population of Arab  
4           or Muslim individuals;

5           (3) another element of such a strategy should  
6           encompass United States efforts to promote eco-  
7           nomic reform in countries that have a significant  
8           population of Arab or Muslim individuals, including  
9           efforts to integrate such countries into the global  
10          trading system; and

11          (4) given the importance of the rule of law in  
12          promoting economic development and attracting in-  
13          vestment, the United States should devote an in-  
14          creased proportion of its assistance to countries in  
15          the Middle East to the promotion of the rule of law.

16          (c) REPORT.—

17          (1) IN GENERAL.—Not later than 180 days  
18          after the date of the enactment of this Act, the  
19          President shall submit to Congress a report on the  
20          efforts of the United States Government to encour-  
21          age development and promote economic reform in  
22          countries that have a significant population of Arab  
23          or Muslim individuals.

24          (2) CONTENT.—The report required under this  
25          subsection shall describe—

1 (A) efforts to integrate countries with sig-  
2 nificant populations of Arab or Muslim individ-  
3 uals into the global trading system; and

4 (B) actions that the United States Govern-  
5 ment, acting alone and in partnership with  
6 other governments in the Middle East, can take  
7 to promote intra-regional trade and the rule of  
8 law in the region.

9 **SEC. 511. MIDDLE EAST PARTNERSHIP INITIATIVE.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated for fiscal year 2005  
12 \$200,000,000 for the Middle East Partnership Initiative.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that, given the importance of the rule of law and  
15 economic reform to development in the Middle East, a sig-  
16 nificant portion of the funds authorized to be appropriated  
17 under subsection (a) should be made available to promote  
18 the rule of law in the Middle East.

19 **SEC. 512. COMPREHENSIVE COALITION STRATEGY FOR**  
20 **FIGHTING TERRORISM.**

21 (a) FINDINGS.—Consistent with the report of the Na-  
22 tional Commission on Terrorist Attacks Upon the United  
23 States, Congress makes the following findings:

1           (1) Almost every aspect of the counterterrorism  
2       strategy of the United States relies on international  
3       cooperation.

4           (2) Since September 11, 2001, the number and  
5       scope of United States Government contacts with  
6       foreign governments concerning counterterrorism  
7       have expanded significantly, but such contacts have  
8       often been ad hoc and not integrated as a com-  
9       prehensive and unified approach.

10       (b)   INTERNATIONAL   CONTACT   GROUP   ON  
11   COUNTERTERRORISM.—

12           (1) SENSE OF CONGRESS.—It is the sense of  
13   Congress that the President—

14           (A) should seek to engage the leaders of  
15       the governments of other countries in a process  
16       of advancing beyond separate and uncoordi-  
17       nated national counterterrorism strategies to  
18       develop with those other governments a com-  
19       prehensive coalition strategy to fight Islamist  
20       terrorism; and

21           (B) to that end, should seek to establish  
22       an international counterterrorism policy contact  
23       group with the leaders of governments pro-  
24       viding leadership in global counterterrorism ef-  
25       forts and governments of countries with sizable

1 Muslim populations, to be used as a ready and  
2 flexible international means for discussing and  
3 coordinating the development of important  
4 counterterrorism policies by the participating  
5 governments.

6 (2) AUTHORITY.—The President is authorized  
7 to establish an international counterterrorism policy  
8 contact group with the leaders of governments re-  
9 ferred to in paragraph (1) for purposes as follows:

10 (A) To develop in common with such other  
11 countries important policies and a strategy that  
12 address the various components of international  
13 prosecution of the war on terrorism, including  
14 policies and a strategy that address military  
15 issues, law enforcement, the collection, analysis,  
16 and dissemination of intelligence, issues relating  
17 to interdiction of travel by terrorists,  
18 counterterrorism-related customs issues, finan-  
19 cial issues, and issues relating to terrorist sanc-  
20 tuaries.

21 (B) To address, to the extent (if any) that  
22 the President and leaders of other participating  
23 governments determine appropriate, such long-  
24 term issues as economic and political reforms



1           that can contribute to strengthening stability  
2           and security in the Middle East.

3 **SEC. 513. DETENTION AND HUMANE TREATMENT OF CAP-**  
4 **TURED TERRORISTS.**

5       (a) FINDINGS.—Consistent with the report of the Na-  
6 tional Commission on Terrorist Attacks Upon the United  
7 States, Congress makes the following findings:

8           (1) Carrying out the global war on terrorism re-  
9 quires the development of policies with respect to the  
10 detention and treatment of captured international  
11 terrorists that is adhered to by all coalition forces.

12          (2) Article 3 of the Convention Relative to the  
13 Treatment of Prisoners of War, done at Geneva Au-  
14 gust 12, 1949 (6 UST 3316) was specifically de-  
15 signed for cases in which the usual rules of war do  
16 not apply, and the minimum standards of treatment  
17 pursuant to such Article are generally accepted  
18 throughout the world as customary international  
19 law.

20       (b) DEFINITIONS.—In this section:

21           (1) CRUEL, INHUMAN, OR DEGRADING TREAT-  
22 MENT OR PUNISHMENT.—The term “cruel, inhuman,  
23 or degrading treatment or punishment” means the  
24 cruel, unusual, and inhumane treatment or punish-

1       ment prohibited by the 5th amendment, 8th amend-  
2       ment, or 14th amendment to the Constitution.

3           (2) GENEVA CONVENTIONS.—The term “Gene-  
4       va Conventions” means—

5           (A) the Convention for the Amelioration of  
6       the Condition of the Wounded and Sick in  
7       Armed Forces in the Field, done at Geneva Au-  
8       gust 12, 1949 (6 UST 3114);

9           (B) the Convention for the Amelioration of  
10      the Condition of the Wounded, Sick, and Ship-  
11      wrecked Members of Armed Forces at Sea,  
12      done at Geneva August 12, 1949 (6 UST  
13      3217);

14          (C) the Convention Relative to the Treat-  
15      ment of Prisoners of War, done at Geneva Au-  
16      gust 12, 1949 (6 UST 3316); and

17          (D) the Convention Relative to the Protec-  
18      tion of Civilian Persons in Time of War, done  
19      at Geneva August 12, 1949 (6 UST 3516).

20          (3) PRISONER.—The term “prisoner” means a  
21      foreign individual captured, detained, interned, or  
22      otherwise held in the custody of the United States.

23          (4) SECRETARY.—The term “Secretary” means  
24      the Secretary of Defense.

1           (5) TORTURE.—The term “torture” has the  
2           meaning given that term in section 2340 of title 18,  
3           United States Code.

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

6           (1) the United States should engage countries  
7           that are participating in the coalition to fight ter-  
8           rorism to develop a common approach toward the  
9           detention and humane treatment of captured inter-  
10          national terrorists; and

11          (2) an approach toward the detention and hu-  
12          mane treatment of captured international terrorists  
13          developed by the countries participating in the coal-  
14          ition to fight terrorism could draw upon Article 3 of  
15          the Convention Relative to the Treatment of Pris-  
16          oners of War, the principles of which are commonly  
17          accepted as minimum basic standards for humane  
18          treatment of captured individuals.

19          (d) POLICY.—It is the policy of the United States—

20          (1) to treat any prisoner humanely and in ac-  
21          cordance with standards that the Government of the  
22          United States would determine to be consistent with  
23          international law if such standards were applied to  
24          personnel of the United States captured by an  
25          enemy in the war on terrorism;

(2) if there is any doubt as to whether a prisoner is entitled to the protections afforded by the Geneva Conventions, to provide the prisoner such protections until the status of the prisoner is determined under the procedures authorized by paragraph 1–6 of Army Regulation 190–8 (1997); and

(3) to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of such prisoners.

(e) PROHIBITION ON TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No prisoner shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) RELATIONSHIP TO GENEVA CONVENTIONS.—Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(f) RULES, REGULATIONS, AND GUIDELINES.—

1           (1) REQUIREMENT.—Not later than 180 days  
2       after the date of the enactment of this Act, the Sec-  
3       retary shall prescribe the rules, regulations, or  
4       guidelines necessary to ensure compliance with the  
5       prohibition in subsection (e)(1) by the members of  
6       the Armed Forces of the United States and by any  
7       person providing services to the Department of De-  
8       fense on a contract basis.

9           (2) REPORT TO CONGRESS.—The Secretary  
10      shall submit to Congress the rules, regulations, or  
11      guidelines prescribed under paragraph (1), and any  
12      modifications to such rules, regulations, or guide-  
13      lines—

14                (A) not later than 30 days after the effec-  
15      tive date of such rules, regulations, guidelines,  
16      or modifications; and

17                (B) in a manner and form that will protect  
18      the national security interests of the United  
19      States.

20      (g) REPORT ON POSSIBLE VIOLATIONS.—

21           (1) REQUIREMENT.—The Secretary shall sub-  
22      mit, on a timely basis and not less than twice each  
23      year, a report to Congress on the circumstances sur-  
24      rounding any investigation of a possible violation of  
25      the prohibition in subsection (e)(1) by a member of

1 the Armed Forces of the United States or by a per-  
2 son providing services to the Department of Defense  
3 on a contract basis.

4 (2) FORM OF REPORT.—A report required  
5 under paragraph (1) shall be submitted in a manner  
6 and form that—

7 (A) will protect the national security inter-  
8 ests of the United States; and

9 (B) will not prejudice any prosecution of  
10 an individual involved in, or responsible for, a  
11 violation of the prohibition in subsection (e)(1).

12 (h) REPORT ON A COALITION APPROACH TOWARD  
13 THE DETENTION AND HUMANE TREATMENT OF CAP-  
14 TURED TERRORISTS.—Not later than 180 days after the  
15 date of the enactment of this Act, the President shall sub-  
16 mit to Congress a report describing the efforts of the  
17 United States Government to develop an approach toward  
18 the detention and humane treatment of captured inter-  
19 national terrorists that will be adhered to by all countries  
20 that are members of the coalition against terrorism.

21 **SEC. 514. PROLIFERATION OF WEAPONS OF MASS DE-**  
22 **STRUCTION.**

23 (a) FINDINGS.—Consistent with the report of the Na-  
24 tional Commission on Terrorist Attacks Upon the United  
25 States, Congress makes the following findings:

1           (1) Al Qaeda has tried to acquire or make  
2           weapons of mass destruction since 1994 or earlier.

3           (2) The United States doubtless would be a  
4           prime target for use of any such weapon by al  
5           Qaeda.

6           (3) Although the United States Government has  
7           redoubled its international commitments to sup-  
8           porting the programs for Cooperative Threat Reduc-  
9           tion and other nonproliferation assistance programs,  
10          nonproliferation experts continue to express deep  
11          concern about the United States Government's com-  
12          mitment and approach to securing the weapons of  
13          mass destruction and related highly dangerous mate-  
14          rials that are still scattered among Russia and other  
15          countries of the former Soviet Union.

16          (4) The cost of increased investment in the pre-  
17          vention of proliferation of weapons of mass destruc-  
18          tion and related dangerous materials is greatly out-  
19          weighed by the potentially catastrophic cost to the  
20          United States of use of weapons of mass destruction  
21          or related dangerous materials by the terrorists who  
22          are so eager to acquire them.

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

1           (1) maximum effort to prevent the proliferation  
2       of weapons of mass destruction, wherever such pro-  
3       liferation may occur, is warranted; and

4           (2) the programs of the United States Govern-  
5       ment to prevent or counter the proliferation of weap-  
6       ons of mass destruction, including the Proliferation  
7       Security Initiative, the programs for Cooperative  
8       Threat Reduction, and other nonproliferation assist-  
9       ance programs, should be expanded, improved, and  
10      better funded to address the global dimensions of  
11      the proliferation threat.

12      (c) REQUIREMENT FOR STRATEGY.—Not later than  
13   180 days after the date of the enactment of this Act, the  
14   President shall submit to Congress—

15           (1) a strategy for expanding and strengthening  
16      the Proliferation Security Initiative, the programs  
17      for Cooperative Threat Reduction, and other non-  
18      proliferation assistance programs; and

19           (2) an estimate of the funding necessary to exe-  
20      cute that strategy.

21      (d) REPORT ON REFORMING THE COOPERATIVE  
22   THREAT REDUCTION PROGRAM AND OTHER NON-PRO-  
23   LIFERATION ASSISTANCE PROGRAMS.—Not later than  
24   180 days after the date of the enactment of this Act, the  
25   President shall submit to Congress a report evaluating



1 whether the United States could more effectively address  
2 the global threat of nuclear proliferation by—

3 (1) establishing a central coordinator for the  
4 programs for Cooperative Threat Reduction;

5 (2) eliminating the requirement that the Presi-  
6 dent spend no more than \$50,000,000 annually on  
7 programs for Cooperative Threat Reduction and  
8 other non-proliferation assistance programs carried  
9 out outside the former Soviet Union; or

10 (3) repealing the provisions of the Soviet Nu-  
11 clear Threat Reduction Act of 1991 (22 U.S.C.  
12 2551 note) that place conditions on assistance to the  
13 former Soviet Union unrelated to bilateral coopera-  
14 tion on weapons dismantlement.

15 **SEC. 515. FINANCING OF TERRORISM.**

16 (a) FINDINGS.—Consistent with the report of the Na-  
17 tional Commission on Terrorist Attacks Upon the United  
18 States, Congress makes the following findings:

19 (1) While efforts to designate and freeze the as-  
20 sets of terrorist financiers have been relatively un-  
21 successful, efforts to target the relatively small num-  
22 ber of al Qaeda financial facilitators have been valu-  
23 able and successful.

24 (2) The death or capture of several important  
25 financial facilitators has decreased the amount of

1 money available to al Qaeda, and has made it more  
2 difficult for al Qaeda to raise and move money.

3 (3) The capture of al Qaeda financial  
4 facilitators has provided a windfall of intelligence  
5 that can be used to continue the cycle of disruption.

6 (4) The United States Government has rightly  
7 recognized that information about terrorist money  
8 helps in understanding terror networks, searching  
9 them out, and disrupting their operations.

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

12 (1) the primary weapon in the effort to stop  
13 terrorist financing should be the targeting of ter-  
14 rorist financial facilitators by intelligence and law  
15 enforcement agencies; and

16 (2) efforts to track terrorist financing must be  
17 paramount in United States counter-terrorism ef-  
18 forts.

19 (c) REPORT ON TERRORIST FINANCING.—

20 (1) IN GENERAL.—Not later than 180 days  
21 after the date of the enactment of this Act, the  
22 President shall submit to Congress a report evalu-  
23 ating the effectiveness of United States efforts to  
24 curtail the international financing of terrorism.

1 (2) CONTENTS.—The report required by para-  
2 graph (1) shall evaluate and make recommendations  
3 on—

4 (A) the effectiveness of efforts and meth-  
5 ods to track terrorist financing;

6 (B) ways to improve international govern-  
7 mental cooperation in this effort;

8 (C) ways to improve performance of finan-  
9 cial institutions in this effort;

10 (D) the adequacy of agency coordination in  
11 this effort and ways to improve that coordina-  
12 tion; and

13 (E) recommendations for changes in law  
14 and additional resources required to improve  
15 this effort.

## 16 **TITLE VI—TERRORIST TRAVEL** 17 **AND EFFECTIVE SCREENING**

### 18 **SEC. 601. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

19 (a) FINDINGS.—Consistent with the report of the Na-  
20 tional Commission on Terrorist Attacks Upon the United  
21 States, Congress makes the following findings:

22 (1) Travel documents are as important to ter-  
23 rorists as weapons since terrorists must travel clan-  
24 destinely to meet, train, plan, case targets, and gain  
25 access to attack sites.

1           (2) International travel is dangerous for terror-  
2           ists because they must surface to pass through regu-  
3           lated channels, present themselves to border security  
4           officials, or attempt to circumvent inspection points.

5           (3) Terrorists use evasive, but detectable, meth-  
6           ods to travel, such as altered and counterfeit pass-  
7           ports and visas, specific travel methods and routes,  
8           liaisons with corrupt government officials, human  
9           smuggling networks, supportive travel agencies, and  
10          immigration and identity fraud.

11          (4) Before September 11, 2001, no Federal  
12          agency systematically analyzed terrorist travel strat-  
13          egies. If an agency had done so, the agency could  
14          have discovered the ways in which the terrorist pred-  
15          ecessors to al Qaeda had been systematically, but  
16          detectably, exploiting weaknesses in our border secu-  
17          rity since the early 1990s.

18          (5) Many of the hijackers were potentially vul-  
19          nerable to interception by border authorities. Ana-  
20          lyzing their characteristic travel documents and trav-  
21          el patterns could have allowed authorities to inter-  
22          cept some of the hijackers and a more effective use  
23          of information available in Government databases  
24          could have identified some of the hijackers.

1           (6) The routine operations of our immigration  
2 laws and the aspects of those laws not specifically  
3 aimed at protecting against terrorism inevitably  
4 shaped al Qaeda's planning and opportunities.

5           (7) New insights into terrorist travel gained  
6 since September 11, 2001, have not been adequately  
7 integrated into the front lines of border security.

8           (8) The small classified terrorist travel intel-  
9 ligence collection and analysis program currently in  
10 place has produced useful results and should be ex-  
11 panded.

12       (b) STRATEGY.—

13           (1) IN GENERAL.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary of  
15 Homeland Security shall submit to Congress unclas-  
16 sified and classified versions of a strategy for com-  
17 bining terrorist travel intelligence, operations, and  
18 law enforcement into a cohesive effort to intercept  
19 terrorists, find terrorist travel facilitators, and con-  
20 strain terrorist mobility domestically and inter-  
21 nationally. The report to Congress should include a  
22 description of the actions taken to implement the  
23 strategy.

24           (2) ACCOUNTABILITY.—The strategy submitted  
25 under paragraph (1) shall—

1 (A) describe a program for collecting, ana-  
2 lyzing, disseminating, and utilizing information  
3 and intelligence regarding terrorist travel tac-  
4 tics and methods; and

5 (B) outline which Federal intelligence, dip-  
6 lomatic, and law enforcement agencies will be  
7 held accountable for implementing each element  
8 of the strategy.

9 (3) COORDINATION.—The strategy shall be de-  
10 veloped in coordination with all relevant Federal  
11 agencies, including—

12 (A) the National Counterterrorism Center;  
13 (B) the Department of Transportation;  
14 (C) the Department of State;  
15 (D) the Department of the Treasury;  
16 (E) the Department of Justice;  
17 (F) the Department of Defense;  
18 (G) the Federal Bureau of Investigation;  
19 (H) the Drug Enforcement Agency; and  
20 (I) the agencies that comprise the intel-  
21 ligence community.

22 (4) CONTENTS.—The strategy shall address—

23 (A) the intelligence and law enforcement  
24 collection, analysis, operations, and reporting  
25 required to identify and disrupt terrorist travel

1 practices and trends, and the terrorist travel  
2 facilitators, document forgers, human smug-  
3 glers, travel agencies, and corrupt border and  
4 transportation officials who assist terrorists;

5 (B) the initial and ongoing training and  
6 training materials required by consular, border,  
7 and immigration officials to effectively detect  
8 and disrupt terrorist travel described under  
9 subsection (c)(3);

10 (C) the new procedures required and ac-  
11 tions to be taken to integrate existing  
12 counterterrorist travel and mobility intelligence  
13 into border security processes, including con-  
14 sular, port of entry, border patrol, maritime,  
15 immigration benefits, and related law enforce-  
16 ment activities;

17 (D) the actions required to integrate cur-  
18 rent terrorist mobility intelligence into military  
19 force protection measures;

20 (E) the additional assistance to be given to  
21 the interagency Human Smuggling and Traf-  
22 ficking Center for purposes of combatting ter-  
23 rorist travel, including further developing and  
24 expanding enforcement and operational capa-  
25 bilities that address terrorist travel;

1           (F) the additional resources to be given to  
2           the Directorate of Information and Analysis  
3           and Infrastructure Protection to aid in the  
4           sharing of information between the frontline  
5           border agencies of the Department of Home-  
6           land Security and classified and unclassified  
7           sources of counterterrorist travel intelligence  
8           and information elsewhere in the Federal Gov-  
9           ernment, including the Human Smuggling and  
10          Trafficking Center;

11          (G) the development and implementation  
12          of procedures to enable the Human Smuggling  
13          and Trafficking Center to timely receive ter-  
14          rorist travel intelligence and documentation ob-  
15          tained at consulates and ports of entry, and by  
16          law enforcement officers and military personnel;

17          (H) the use of foreign and technical assist-  
18          ance to advance border security measures and  
19          law enforcement operations against terrorist  
20          travel facilitators;

21          (I) the development of a program to pro-  
22          vide each consular, port of entry, and immigra-  
23          tion benefits office with a counterterrorist travel  
24          expert trained and authorized to use the rel-  
25          evant authentication technologies and cleared to



1 access all appropriate immigration, law enforce-  
2 ment, and intelligence databases;

3 (J) the feasibility of digitally transmitting  
4 passport information to a central cadre of spe-  
5 cialists until such time as experts described  
6 under subparagraph (I) are available at con-  
7 sular, port of entry, and immigration benefits  
8 offices; and

9 (K) granting consular officers the security  
10 clearances necessary to access law enforcement  
11 sensitive databases.

12 (c) FRONTLINE COUNTERTERRORIST TRAVEL TECH-  
13 NOLOGY AND TRAINING.—

14 (1) TECHNOLOGY ACQUISITION AND DISSEMI-  
15 NATION PLAN.—Not later than 180 days after the  
16 date of enactment of this Act, the Secretary of  
17 Homeland Security, in conjunction with the Sec-  
18 retary of State, shall submit to Congress a plan de-  
19 scribing how the Department of Homeland Security  
20 and the Department of State can acquire and de-  
21 ploy, to all consulates, ports of entry, and immigra-  
22 tion benefits offices, technologies that facilitate doc-  
23 ument authentication and the detection of potential  
24 terrorist indicators on travel documents.

1           (2) CONTENTS OF PLAN.—The plan submitted  
2       under paragraph (1) shall—

3           (A) outline the timetable needed to acquire  
4       and deploy the authentication technologies;

5           (B) identify the resources required to—

6                 (i) fully disseminate these tech-  
7       nologies; and

8                 (ii) train personnel on use of these  
9       technologies; and

10          (C) address the feasibility of using these  
11       technologies to screen every passport submitted  
12       for identification purposes to a United States  
13       consular, border, or immigration official.

14       (3) TRAINING PROGRAM.—

15           (A) IN GENERAL.—The Secretary of  
16       Homeland Security and the Secretary of State  
17       shall develop and implement an initial and an-  
18       nual training program for consular, border, and  
19       immigration officials to teach such officials how  
20       to effectively detect and disrupt terrorist travel.  
21       The Secretary may assist State, local, and trib-  
22       al governments, and private industry, in estab-  
23       lishing training programs related to terrorist  
24       travel intelligence.

1 (B) TRAINING TOPICS.—The training de-  
2 veloped under this paragraph shall include  
3 training in—

4 (i) methods for identifying fraudulent  
5 documents;

6 (ii) detecting terrorist indicators on  
7 travel documents;

8 (iii) recognizing travel patterns, tac-  
9 tics, and behaviors exhibited by terrorists;

10 (iv) the use of information contained  
11 in available databases and data systems  
12 and procedures to maintain the accuracy  
13 and integrity of such systems; and

14 (v) other topics determined necessary  
15 by the Secretary of Homeland Security and  
16 the Secretary of State.

17 (C) CERTIFICATION.—Not later than 1  
18 year after the date of enactment of this Act—

19 (i) the Secretary of Homeland Secu-  
20 rity shall certify to Congress that all bor-  
21 der and immigration officials have received  
22 training under this paragraph; and

23 (ii) the Secretary of State shall certify  
24 to Congress that all consular officers have  
25 received training under this paragraph.

1           (4) AUTHORIZATION OF APPROPRIATIONS.—

2       There are authorized to be appropriated to the Sec-  
3       retary for each of the fiscal years 2005 through  
4       2009 such sums as may be necessary to carry out  
5       the provisions of this subsection.

6       (d) ENHANCING CLASSIFIED COUNTERTERRORIST  
7 TRAVEL EFFORTS.—

8           (1) IN GENERAL.—The National Intelligence  
9       Director shall significantly increase resources and  
10      personnel to the small classified program that col-  
11      lects and analyzes intelligence on terrorist travel.

12          (2) AUTHORIZATION OF APPROPRIATIONS.—

13      There are authorized to be appropriated for each of  
14      the fiscal years 2005 through 2009 such sums as  
15      may be necessary to carry out this subsection.

16 **SEC. 602. INTEGRATED SCREENING SYSTEM.**

17      (a) IN GENERAL.—The Secretary of Homeland Secu-  
18      rity shall develop a plan for a comprehensive integrated  
19      screening system.

20      (b) DESIGN.—The system planned under subsection  
21      (a) shall be designed to—

22          (1) encompass an integrated network of screen-  
23      ing points that includes the Nation's border security  
24      system, transportation system, and critical infra-

1 structure or facilities that the Secretary determines  
2 need to be protected against terrorist attack;

3 (2) build upon existing border enforcement and  
4 security activities, and to the extent practicable, pri-  
5 vate sector security initiatives, in a manner that will  
6 enable the utilization of a range of security check  
7 points in a continuous and consistent manner  
8 throughout the Nation's screening system;

9 (3) allow access to government databases to de-  
10 tect terrorists; and

11 (4) utilize biometric identifiers that the Sec-  
12 retary determines to be appropriate and feasible.

13 (c) STANDARDS FOR SCREENING PROCEDURES.—

14 (1) AUTHORIZATION.—The Secretary may pro-  
15 mulgate standards for screening procedures for—

16 (A) entering and leaving the United  
17 States;

18 (B) accessing Federal facilities that the  
19 Secretary determines need to be protected  
20 against terrorist attack;

21 (C) accessing critical infrastructure that  
22 the Secretary determines need to be protected  
23 against terrorist attack; and

1 (D) accessing modes of transportation that  
2 the Secretary determines need to be protected  
3 against terrorist attack.

4 (2) SCOPE.—Standards prescribed under this  
5 subsection may address a range of factors, including  
6 technologies required to be used in screening and re-  
7 quirements for secure identification.

8 (3) REQUIREMENTS.—In promulgating stand-  
9 ards for screening procedures, the Secretary shall—

10 (A) consider and incorporate appropriate  
11 civil liberties and privacy protections;

12 (B) comply with the Administrative Proce-  
13 dure Act; and

14 (C) consult with other Federal, State,  
15 local, and tribal governments, and other inter-  
16 ested parties, as appropriate.

17 (4) LIMITATION.—This section does not confer  
18 to the Secretary new statutory authority, or alter ex-  
19 isting authorities, over systems, critical infrastruc-  
20 ture, and facilities.

21 (5) NOTIFICATION.—If the Secretary deter-  
22 mines that additional regulatory authority is needed  
23 to fully implement the plan for an integrated screen-  
24 ing system, the Secretary shall immediately notify  
25 Congress.

1 (d) COMPLIANCE.—The Secretary may issue regula-  
2 tions to ensure compliance with the standards promul-  
3 gated under this section.

4 (e) CONSULTATION.—For those systems, critical in-  
5 frastructure, and facilities that the Secretary determines  
6 need to be protected against terrorist attack, the Secretary  
7 shall consult with other Federal agencies, State, local, and  
8 tribal governments, and the private sector to ensure the  
9 development of consistent standards and consistent imple-  
10 mentation of the integrated screening system.

11 (f) BIOMETRIC IDENTIFIERS.—In carrying out this  
12 section, the Secretary shall continue to review biometric  
13 technologies and existing Federal and State programs  
14 using biometric identifiers. Such review shall consider the  
15 accuracy rate of available technologies.

16 (g) IMPLEMENTATION.—

17 (1) PHASE I.—The Secretary shall—

18 (A) issue standards for driver's licenses,  
19 personal identification cards, and birth certifi-  
20 cates, as required under section 606;

21 (B) develop plans for, and begin implemen-  
22 tation of, a single program for registered trav-  
23 elers to expedite travel across the border, as re-  
24 quired under section 603(e);

1 (C) continue the implementation of a bio-  
2 metric exit and entry data system that links to  
3 relevant databases and data systems, as re-  
4 quired by subsections (b) and (c) of section 603  
5 and other existing authorities;

6 (D) centralize the “no-fly” and “auto-  
7 matic-selectee” lists, making use of improved  
8 terrorists watch lists, as required by section  
9 703;

10 (E) develop plans, in consultation with  
11 other relevant agencies, for the sharing of ter-  
12 rorist information with trusted governments, as  
13 required by section 605;

14 (F) initiate any other action determined  
15 appropriate by the Secretary to facilitate the  
16 implementation of this paragraph; and

17 (G) report to Congress on the implementa-  
18 tion of phase I, including—

19 (i) the effectiveness of actions taken,  
20 the efficacy of resources expended, compli-  
21 ance with statutory provisions, and safe-  
22 guards for privacy and civil liberties; and

23 (ii) plans for the development and im-  
24 plementation of phases II and III.

25 (2) PHASE II.—The Secretary shall—



1 (A) complete the implementation of a sin-  
2 gle program for registered travelers to expedite  
3 travel across the border, as required by section  
4 603(e);

5 (B) complete the implementation of a bio-  
6 metric entry and exit data system that links to  
7 relevant databases and data systems, as re-  
8 quired by subsections (b) and (c) of section  
9 603, and other existing authorities;

10 (C) in cooperation with other relevant  
11 agencies, engage in dialogue with foreign gov-  
12 ernments to develop plans for the use of com-  
13 mon screening standards;

14 (D) initiate any other action determined  
15 appropriate by the Secretary to facilitate the  
16 implementation of this paragraph; and

17 (E) report to Congress on the implementa-  
18 tion of phase II, including—

19 (i) the effectiveness of actions taken,  
20 the efficacy of resources expended, compli-  
21 ance with statutory provisions, and safe-  
22 guards for privacy and civil liberties; and

23 (ii) the plans for the development and  
24 implementation of phase III.

25 (3) PHASE III.—The Secretary shall—

1           (A) finalize and deploy the integrated  
2 screening system required by subsection (a);

3           (B) in cooperation with other relevant  
4 agencies, promote the implementation of com-  
5 mon screening standards by foreign govern-  
6 ments; and

7           (C) report to Congress on the implementa-  
8 tion of Phase III, including—

9               (i) the effectiveness of actions taken,  
10 the efficacy of resources expended, compli-  
11 ance with statutory provisions, and safe-  
12 guards for privacy and civil liberties; and

13               (ii) the plans for the ongoing oper-  
14 ation of the integrated screening system.

15       (h) REPORT.—After phase III has been implemented,  
16 the Secretary shall submit a report to Congress every 3  
17 years that describes the ongoing operation of the inte-  
18 grated screening system, including its effectiveness, effi-  
19 cient use of resources, compliance with statutory provi-  
20 sions, and safeguards for privacy and civil liberties.

21       (i) AUTHORIZATIONS.—There are authorized to be  
22 appropriated to the Secretary for each of the fiscal years  
23 2005 through 2009, such sums as may be necessary to  
24 carry out the provisions of this section.

1 **SEC. 603. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.**

2 (a) FINDINGS.—Consistent with the report of the Na-  
3 tional Commission on Terrorist Attacks Upon the United  
4 States, Congress finds that completing a biometric entry  
5 and exit data system as expeditiously as possible is an es-  
6 sential investment in efforts to protect the United States  
7 by preventing the entry of terrorists.

8 (b) PLAN AND REPORT.—

9 (1) DEVELOPMENT OF PLAN.—The Secretary  
10 of Homeland Security shall develop a plan to accel-  
11 erate the full implementation of an automated bio-  
12 metric entry and exit data system required by appli-  
13 cable sections of—

14 (A) the Illegal Immigration Reform and  
15 Immigrant Responsibility Act of 1996 (Public  
16 Law 104–208);

17 (B) the Immigration and Naturalization  
18 Service Data Management Improvement Act of  
19 2000 (Public Law 106–205);

20 (C) the Visa Waiver Permanent Program  
21 Act (Public Law 106–396);

22 (D) the Enhanced Border Security and  
23 Visa Entry Reform Act of 2002 (Public Law  
24 107–173); and

25 (E) the Uniting and Strengthening Amer-  
26 ica by Providing Appropriate Tools Required to

1 Intercept and Obstruct Terrorism (USA PA-  
2 TRIOT ACT) Act of 2001 (Public Law 107–  
3 56).

4 (2) REPORT.—Not later than 180 days after  
5 the date of enactment of this Act, the Secretary  
6 shall submit a report to Congress on the plan devel-  
7 oped under paragraph (1), which shall contain—

8 (A) a description of the current  
9 functionality of the entry and exit data system,  
10 including—

11 (i) a listing of ports of entry with bio-  
12 metric entry data systems in use and  
13 whether such screening systems are located  
14 at primary or secondary inspection areas;

15 (ii) a listing of ports of entry with bio-  
16 metric exit data systems in use;

17 (iii) a listing of databases and data  
18 systems with which the automated entry  
19 and exit data system are interoperable;

20 (iv) a description of—

21 (I) identified deficiencies con-  
22 cerning the accuracy or integrity of  
23 the information contained in the entry  
24 and exit data system;

1 (II) identified deficiencies con-  
2 cerning technology associated with  
3 processing individuals through the  
4 system; and

5 (III) programs or policies  
6 planned or implemented to correct  
7 problems identified in subclause (I) or  
8 (II); and

9 (v) an assessment of the effectiveness  
10 of the entry and exit data system in ful-  
11 filling its intended purposes, including pre-  
12 venting terrorists from entering the United  
13 States;

14 (B) a description of factors relevant to the  
15 accelerated implementation of the biometric  
16 entry and exit system, including—

17 (i) the earliest date on which the Sec-  
18 retary estimates that full implementation  
19 of the biometric entry and exit data system  
20 can be completed;

21 (ii) the actions the Secretary will take  
22 to accelerate the full implementation of the  
23 biometric entry and exit data system at all  
24 ports of entry through which all aliens

1 must pass that are legally required to do  
2 so; and

3 (iii) the resources and authorities re-  
4 quired to enable the Secretary to meet the  
5 implementation date described in clause  
6 (i);

7 (C) a description of any improvements  
8 needed in the information technology employed  
9 for the entry and exit data system; and  
10 (D) a description of plans for improved or  
11 added interoperability with any other databases  
12 or data systems.

13 (c) INTEGRATION REQUIREMENT.—Not later than 2  
14 years after the date of enactment of this Act, the Sec-  
15 retary shall integrate the biometric entry and exit data  
16 system with all databases and data systems maintained  
17 by the United States Citizenship and Immigration Serv-  
18 ices that process or contain information on aliens.

19 (d) MAINTAINING ACCURACY AND INTEGRITY OF  
20 ENTRY AND EXIT DATA SYSTEM.—

21 (1) IN GENERAL.—The Secretary, in consulta-  
22 tion with other appropriate agencies, shall establish  
23 rules, guidelines, policies, and operating and audit-  
24 ing procedures for collecting, removing, and updat-  
25 ing data maintained in, and adding information to,

1 the entry and exit data system, and databases and  
2 data systems linked to the entry and exit data sys-  
3 tem, that ensure the accuracy and integrity of the  
4 data.

5 (2) REQUIREMENTS.—The rules, guidelines,  
6 policies, and procedures established under paragraph  
7 (1) shall—

8 (A) incorporate a simple and timely meth-  
9 od for—

10 (i) correcting errors; and

11 (ii) clarifying information known to  
12 cause false hits or misidentification errors;  
13 and

14 (B) include procedures for individuals to  
15 seek corrections of data contained in the data  
16 systems.

17 (e) EXPEDITING REGISTERED TRAVELERS ACROSS  
18 INTERNATIONAL BORDERS.—

19 (1) FINDINGS.—Consistent with the report of  
20 the National Commission on Terrorist Attacks Upon  
21 the United States, Congress finds that—

22 (A) expediting the travel of previously  
23 screened and known travelers across the bor-  
24 ders of the United States should be a high pri-  
25 ority; and

1 (B) the process of expediting known trav-  
2 elers across the border can permit inspectors to  
3 better focus on identifying terrorists attempting  
4 to enter the United States.

5 (2) DEFINITION.—The term “registered trav-  
6 eler program” means any program designed to expe-  
7 dite the travel of previously screened and known  
8 travelers across the borders of the United States.

9 (3) REGISTERED TRAVEL PLAN.—

10 (A) IN GENERAL.—As soon as is prac-  
11 ticable, the Secretary shall develop and imple-  
12 ment a plan to expedite the processing of reg-  
13 istered travelers who enter and exit the United  
14 States through a single registered traveler pro-  
15 gram.

16 (B) INTEGRATION.—The registered trav-  
17 eler program developed under this paragraph  
18 shall be integrated into the automated biometric  
19 entry and exit data system described in this  
20 section.

21 (C) REVIEW AND EVALUATION.—In devel-  
22 oping the program under this paragraph, the  
23 Secretary shall—

24 (i) review existing programs or pilot  
25 projects designed to expedite the travel of



1 registered travelers across the borders of  
2 the United States;

3 (ii) evaluate the effectiveness of the  
4 programs described in clause (i), the costs  
5 associated with such programs, and the  
6 costs to travelers to join such programs;  
7 and

8 (iii) increase research and develop-  
9 ment efforts to accelerate the development  
10 and implementation of a single registered  
11 traveler program.

12 (4) REPORT.—Not later than 1 year after the  
13 date of enactment of this Act, the Secretary shall  
14 submit to Congress a report describing the Depart-  
15 ment's progress on the development and implemen-  
16 tation of the plan required by this subsection.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Secretary, for  
19 each of the fiscal years 2005 through 2009, such sums  
20 as may be necessary to carry out the provisions of this  
21 section.

22 **SEC. 604. TRAVEL DOCUMENTS.**

23 (a) FINDINGS.—Consistent with the report of the Na-  
24 tional Commission on Terrorist Attacks Upon the United  
25 States, Congress finds that—

1           (1) existing procedures allow many individuals  
2           to enter the United States by showing minimal iden-  
3           tification or without showing any identification;

4           (2) the planning for the terrorist attacks of  
5           September 11, 2001, demonstrates that terrorists  
6           study and exploit United States vulnerabilities; and

7           (3) additional safeguards are needed to ensure  
8           that terrorists cannot enter the United States.

9           (b) BIOMETRIC PASSPORTS.—

10           (1) DEVELOPMENT OF PLAN.—The Secretary  
11           of Homeland Security, in consultation with the Sec-  
12           retary of State, shall develop and implement a plan  
13           as expeditiously as possible to require biometric  
14           passports or other identification deemed by the Sec-  
15           retary to be at least as secure as a biometric pass-  
16           port, for all travel into the United States by United  
17           States citizens and by categories of individuals for  
18           whom documentation requirements have previously  
19           been waived under section 212(d)(4)(B) of the Im-  
20           migration and Nationality Act (8 U.S.C.  
21           1182(d)(4)(B)).

22           (2) REQUIREMENT TO PRODUCE DOCUMENTA-  
23           TION.—The plan developed under paragraph (1)  
24           shall require all United States citizens, and cat-  
25           egories of individuals for whom documentation re-

1        requirements have previously been waived under sec-  
2        tion 212(d)(4)(B) of such Act, to carry and produce  
3        the documentation described in paragraph (1) when  
4        traveling from foreign countries into the United  
5        States.

6        (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
7        After the complete implementation of the plan described  
8        in subsection (b)—

9                (1) the Secretary of State and the Attorney  
10        General may no longer exercise discretion under sec-  
11        tion 212(d)(4)(B) of such Act to waive documentary  
12        requirements for travel into the United States; and

13                (2) the President may no longer exercise discre-  
14        tion under section 215(b) of such Act to waive docu-  
15        mentary requirements for United States citizens de-  
16        parting from or entering, or attempting to depart  
17        from or enter, the United States, unless the Sec-  
18        retary of State determines that the alternative docu-  
19        mentation that is the basis for the waiver of the docu-  
20        mentary requirement is at least as secure as a bio-  
21        metric passport.

22        (d) TRANSIT WITHOUT VISA PROGRAM.—The Sec-  
23        retary of State shall not use any authorities granted under  
24        section 212(d)(4)(C) of such Act until the Secretary, in  
25        conjunction with the Secretary of Homeland Security,

1 completely implements a security plan to fully ensure se-  
2 cure transit passage areas to prevent aliens proceeding in  
3 immediate and continuous transit through the United  
4 States from illegally entering the United States.

5 **SEC. 605. EXCHANGE OF TERRORIST INFORMATION.**

6 (a) FINDINGS.—Consistent with the report of the Na-  
7 tional Commission on Terrorist Attacks Upon the United  
8 States, Congress finds that—

9 (1) the exchange of terrorist information with  
10 other countries, consistent with privacy require-  
11 ments, along with listings of lost and stolen pass-  
12 ports, will have immediate security benefits; and

13 (2) the further away from the borders of the  
14 United States that screening occurs, the more secu-  
15 rity benefits the United States will gain.

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

18 (1) the United States Government should ex-  
19 change terrorist information with trusted allies;

20 (2) the United States Government should move  
21 toward real-time verification of passports with  
22 issuing authorities;

23 (3) where practicable the United States Govern-  
24 ment should conduct screening before a passenger  
25 departs on a flight destined for the United States;

1           (4) the United States Government should work  
2       with other countries to ensure effective inspection  
3       regimes at all airports;

4           (5) the United States Government should work  
5       with other countries to improve passport standards  
6       and provide foreign assistance to countries that need  
7       help making the transition to the global standard for  
8       identification; and

9           (6) the Department of Homeland Security, in  
10      coordination with the Department of State and other  
11      agencies, should implement the initiatives called for  
12      in this subsection.

13      (c) REPORT REGARDING THE EXCHANGE OF TER-  
14      RORIST INFORMATION.—

15           (1) IN GENERAL.—Not later than 180 days  
16      after the date of enactment of this Act, the Sec-  
17      retary of State and the Secretary of Homeland Secu-  
18      rity, working with other agencies, shall submit to the  
19      appropriate committees of Congress a report on  
20      Federal efforts to collaborate with allies of the  
21      United States in the exchange of terrorist informa-  
22      tion.

23           (2) CONTENTS.—The report shall outline—

24                (A) strategies for increasing such collabo-  
25      ration and cooperation;

1 (B) progress made in screening passengers  
2 before their departure to the United States; and

3 (C) efforts to work with other countries to  
4 accomplish the goals described under this sec-  
5 tion.

6 **SEC. 606. MINIMUM STANDARDS FOR IDENTIFICATION-RE-**  
7 **LATED DOCUMENTS.**

8 (a) IN GENERAL.—Subtitle H of title VIII of the  
9 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)  
10 is amended by adding at the end the following:

11 **“SEC. 890A. MINIMUM STANDARDS FOR BIRTH CERTIFI-**  
12 **CATES.**

13 “(a) DEFINITION.—In this section, the term ‘birth  
14 certificate’ means a certificate of birth—

15 “(1) for an individual (regardless of where  
16 born)—

17 “(A) who is a citizen or national of the  
18 United States at birth; and

19 “(B) whose birth is registered in the  
20 United States; and

21 “(2) that—

22 “(A) is issued by a Federal, State, or local  
23 government agency or authorized custodian of  
24 record and produced from birth records main-  
25 tained by such agency or custodian of record; or

1           “(B) is an authenticated copy, issued by a  
2           Federal, State, or local government agency or  
3           authorized custodian of record, of an original  
4           certificate of birth issued by such agency or  
5           custodian of record.

6           “(b) STANDARDS FOR ACCEPTANCE BY FEDERAL  
7           AGENCIES.—

8           “(1) IN GENERAL.—Beginning 2 years after the  
9           promulgation of minimum standards under para-  
10          graph (2), no Federal agency may accept a birth  
11          certificate for any official purpose unless the certifi-  
12          cate conforms to such standards.

13          “(2) MINIMUM STANDARDS.—Within 1 year  
14          after the date of enactment of this section, the Sec-  
15          retary shall by regulation establish minimum stand-  
16          ards for birth certificates for use by Federal agen-  
17          cies for official purposes that—

18                 “(A) at a minimum, shall require certifi-  
19                 cation of the birth certificate by the State or  
20                 local government custodian of record that  
21                 issued the certificate, and shall require the use  
22                 of safety paper, the seal of the issuing custo-  
23                 dian of record, and other features designed to  
24                 prevent tampering, counterfeiting, or otherwise

1 duplicating the birth certificate for fraudulent  
2 purposes;

3 “(B) shall establish requirements for proof  
4 and verification of identity as a condition of  
5 issuance of a birth certificate, with additional  
6 security measures for the issuance of a birth  
7 certificate for a person who is not the applicant;

8 “(C) may not require a single design to  
9 which birth certificates issued by all States  
10 must conform; and

11 “(D) shall accommodate the differences be-  
12 tween the States in the manner and form in  
13 which birth records are stored and birth certifi-  
14 cates are produced from such records.

15 “(3) CONSULTATION WITH GOVERNMENT AGEN-  
16 CIES.—In promulgating the standards required by  
17 paragraph (2), the Secretary shall consult with State  
18 vital statistics offices and appropriate Federal agen-  
19 cies.

20 “(4) EXTENSION OF EFFECTIVE DATE.—The  
21 Secretary may extend the 2-year date under para-  
22 graph (1) by up to 2 additional years for birth cer-  
23 tificates issued before that 2-year date if the Sec-  
24 retary determines that the States are unable to com-



1       ply with such date after making reasonable efforts to  
2       do so.

3       “(c) GRANTS TO STATES.—

4               “(1) ASSISTANCE IN MEETING FEDERAL  
5       STANDARDS.—

6               “(A) IN GENERAL.—Beginning on the date  
7       a final regulation is promulgated under sub-  
8       section (b)(2), the Secretary shall make grants  
9       to States to assist them in conforming to the  
10      minimum standards for birth certificates set  
11      forth in the regulation.

12              “(B) ALLOCATION OF GRANTS.—The Sec-  
13      retary shall make grants to States under this  
14      paragraph based on the proportion that the es-  
15      timated average annual number of birth certifi-  
16      cates issued by a State applying for a grant  
17      bears to the estimated average annual number  
18      of birth certificates issued by all States.

19              “(2) ASSISTANCE IN MATCHING BIRTH AND  
20      DEATH RECORDS.—

21              “(A) IN GENERAL.—The Secretary, in co-  
22      ordination with other appropriate Federal agen-  
23      cies, shall make grants to States to assist them  
24      in—

1                   “(i) computerizing their birth and  
2                   death records;

3                   “(ii) developing the capability to  
4                   match birth and death records within each  
5                   State and among the States; and

6                   “(iii) noting the fact of death on the  
7                   birth certificates of deceased persons.

8                   “(B) ALLOCATION OF GRANTS.—The Sec-  
9                   retary shall make grants to States under this  
10                  paragraph based on the proportion that the es-  
11                  timated annual average number of birth and  
12                  death records created by a State applying for a  
13                  grant bears to the estimated annual average  
14                  number of birth and death records originated  
15                  by all States.

16               “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
17               are authorized to be appropriated to the Secretary for  
18               each of the fiscal years 2005 through 2009 such sums as  
19               may be necessary to carry out this section.

20       **“SEC. 890B. DRIVER’S LICENSES AND PERSONAL IDENTI-**  
21               **FICATION CARDS.**

22               “(a) DEFINITIONS.—In this section:

23                   “(1) DRIVER’S LICENSE.—The term ‘driver’s li-  
24                   cense’ means a motor vehicle operator’s license as

1 defined in section 30301(5) of title 49, United  
2 States Code.

3 “(2) PERSONAL IDENTIFICATION CARD.—The  
4 term ‘personal identification card’ means an identi-  
5 fication document (as defined in section 1028(d)(3)  
6 of title 18, United States Code) issued by a State.

7 “(b) STANDARDS FOR ACCEPTANCE BY FEDERAL  
8 AGENCIES.—

9 “(1) IN GENERAL.—

10 “(A) LIMITATION ON ACCEPTANCE.—No  
11 Federal agency may accept, for any official pur-  
12 pose, a driver’s license or personal identification  
13 card issued by a State more than 2 years after  
14 the promulgation of the minimum standards  
15 under paragraph (2) unless the driver’s license  
16 or personal identification card conforms to such  
17 minimum standards.

18 “(B) DATE FOR CONFORMANCE.—The  
19 Secretary shall establish a date after which no  
20 driver’s license or personal identification card  
21 shall be accepted by a Federal agency for any  
22 official purpose unless such driver’s license or  
23 personal identification card conforms to the  
24 minimum standards established under para-  
25 graph (2). The date shall be as early as the

1 Secretary determines it is practicable for the  
2 States to comply with such date with reasonable  
3 efforts.

4 “(2) MINIMUM STANDARDS.—Within 1 year  
5 after the date of enactment of this section, the Sec-  
6 retary shall by regulation establish minimum stand-  
7 ards for driver’s licenses or personal identification  
8 cards issued by a State for use by Federal agencies  
9 for identification purposes that shall include—

10 “(A) standards for documentation required  
11 as proof of identity of an applicant for a driv-  
12 er’s license or identification card;

13 “(B) standards for third-party verification  
14 of the authenticity of documents used to obtain  
15 a driver’s license or identification card;

16 “(C) standards for the processing of appli-  
17 cations for driver’s licenses and identification  
18 cards to prevent fraud;

19 “(D) security standards to ensure that  
20 driver’s licenses and identification cards are—

21 “(i) resistant to tampering, alteration,  
22 or counterfeiting; and

23 “(ii) capable of accommodating a dig-  
24 ital photograph or other unique identifier;  
25 and

1           “(E) a requirement that a State confiscate  
2           a driver’s license or identification card if any  
3           component or security feature of the license or  
4           identification card is compromised.

5           “(3) CONTENT OF REGULATIONS.—The regula-  
6           tions required by paragraph (2)—

7           “(A) shall facilitate communication be-  
8           tween the chief driver licensing official of a  
9           State and an appropriate official of a Federal  
10          agency to verify the authenticity of documents  
11          issued by such Federal agency and presented to  
12          prove the identity of an individual;

13          “(B) may not directly or indirectly infringe  
14          on a State’s power to set eligibility criteria for  
15          obtaining a driver’s license or identification  
16          card from that State; and

17          “(C) may not require a State to comply  
18          with any such regulation that conflicts with or  
19          otherwise interferes with the full enforcement of  
20          such eligibility criteria by the State.

21          “(4) CONSULTATION WITH GOVERNMENT AGEN-  
22          CIES.—In promulgating the standards required by  
23          paragraph (2), the Secretary shall consult with the  
24          Department of Transportation, the chief driver li-  
25          censing official of each State, any other State orga-

1 nization that issues personal identification cards,  
2 and any organization, determined appropriate by the  
3 Secretary, that represents the interests of the  
4 States.

5 “(c) GRANTS TO STATES.—

6 “(1) ASSISTANCE IN MEETING FEDERAL  
7 STANDARDS.—Beginning on the date a final regula-  
8 tion is promulgated under subsection (b)(2), the  
9 Secretary shall make grants to States to assist them  
10 in conforming to the minimum standards for driver’s  
11 licenses and personal identification cards set forth in  
12 the regulation.

13 “(2) ALLOCATION OF GRANTS.—The Secretary  
14 shall make grants to States under this subsection  
15 based on the proportion that the estimated average  
16 annual number of driver’s licenses and personal  
17 identification cards issued by a State applying for a  
18 grant bears to the average annual number of such  
19 documents issued by all States.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Secretary for  
22 each of the fiscal years 2005 through 2009, such sums  
23 as may be necessary to carry out this section.

1 **“SEC. 890C. SOCIAL SECURITY CARDS.**

2 “(a) SECURITY ENHANCEMENTS.—The Commis-  
3 sioner of Social Security shall—

4 “(1) within 180 days after the date of enact-  
5 ment of this section, issue regulations to restrict the  
6 issuance of multiple replacement social security  
7 cards to any individual to minimize fraud;

8 “(2) within 1 year after the date of enactment  
9 of this section, require independent verification of all  
10 records provided by an applicant for an original so-  
11 cial security card, other than for purposes of enu-  
12 meration at birth; and

13 “(3) within 18 months after the date of enact-  
14 ment of this section, add death, fraud, and work au-  
15 thorization indicators to the social security number  
16 verification system.

17 “(b) INTERAGENCY SECURITY TASK FORCE.—The  
18 Secretary and the Commissioner of Social Security shall  
19 form an interagency task force for the purpose of further  
20 improving the security of social security cards and num-  
21 bers. Within 1 year after the date of enactment of this  
22 section, the task force shall establish security require-  
23 ments, including—

24 “(1) standards for safeguarding social security  
25 cards from counterfeiting, tampering, alteration, and  
26 theft;

1           “(2) requirements for verifying documents sub-  
2           mitted for the issuance of replacement cards; and

3           “(3) actions to increase enforcement against the  
4           fraudulent use or issuance of social security numbers  
5           and cards.

6           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
7           are authorized to be appropriated to the Commissioner of  
8           Social Security for each of the fiscal years 2005 through  
9           2009, such sums as may be necessary to carry out this  
10          section.”.

11          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12                 (1) Section 656 of the Illegal Immigration Re-  
13                 form and Immigrant Responsibility Act of 1996 (5  
14                 U.S.C. 301 note) is repealed.

15                 (2) Section 1(b) of the Homeland Security Act  
16                 of 2002 (Public Law 107–296; 116 Stat. 2135) is  
17                 amended by inserting after the item relating to sec-  
18                 tion 890 the following:

“Sec. 890A. Minimum standards for birth certificates.

“Sec. 890B. Driver’s licenses and personal identification cards.

“Sec. 890C. Social security cards.”.

## 19       **TITLE VII—TRANSPORTATION** 20                               **SECURITY**

### 21       **SEC. 701. DEFINITIONS.**

22           In this title, the terms “air carrier”, “air transpor-  
23           tation”, “aircraft”, “airport”, “cargo”, “foreign air car-  
24           rier”, and “intrastate air transportation” have the mean-



ings given such terms in section 40102 of title 49, United States Code.

**SEC. 702. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.**

(a) REQUIREMENT FOR STRATEGY.—

(1) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall—

(A) develop and implement a National Strategy for Transportation Security; and

(B) revise such strategy whenever necessary to improve or to maintain the currency of the strategy or whenever the Secretary otherwise considers it appropriate to do so.

(2) CONSULTATION WITH SECRETARY OF TRANSPORTATION.—The Secretary of Homeland Security shall consult with the Secretary of Transportation in developing and revising the National Strategy for Transportation Security under this section.

(b) CONTENT.—The National Strategy for Transportation Security shall include the following matters:

(1) An identification and evaluation of the transportation assets within the United States that, in the interests of national security, must be protected from attack or disruption by terrorist or other

1 hostile forces, including aviation, bridge and tunnel,  
2 commuter rail and ferry, highway, maritime, pipe-  
3 line, rail, urban mass transit, and other public trans-  
4 portation infrastructure assets that could be at risk  
5 of such an attack or disruption.

6 (2) The development of the risk-based prior-  
7 ities, and realistic deadlines, for addressing security  
8 needs associated with those assets.

9 (3) The most practical and cost-effective means  
10 of defending those assets against threats to their se-  
11 curity.

12 (4) A forward-looking strategic plan that as-  
13 signs transportation security roles and missions to  
14 departments and agencies of the Federal Govern-  
15 ment (including the Armed Forces), State govern-  
16 ments (including the Army National Guard and Air  
17 National Guard), local governments, and public utili-  
18 ties, and establishes mechanisms for encouraging  
19 private sector cooperation and participation in the  
20 implementation of such plan.

21 (5) A comprehensive delineation of response  
22 and recovery responsibilities and issues regarding  
23 threatened and executed acts of terrorism within the  
24 United States.

1           (6) A prioritization of research and development  
2 objectives that support transportation security  
3 needs, giving a higher priority to research and devel-  
4 opment directed toward protecting vital assets.

5           (7) A budget and recommendations for appro-  
6 priate levels and sources of funding to meet the ob-  
7 jectives set forth in the strategy.

8       (c) SUBMISSIONS TO CONGRESS.—

9           (1) THE NATIONAL STRATEGY.—

10           (A) INITIAL STRATEGY.—The Secretary of  
11 Homeland Security shall submit the National  
12 Strategy for Transportation Security developed  
13 under this section to Congress not later than  
14 April 1, 2005.

15           (B) SUBSEQUENT VERSIONS.—After 2005,  
16 the Secretary of Homeland Security shall sub-  
17 mit the National Strategy for Transportation  
18 Security, including any revisions, to Congress  
19 not less frequently than April 1 of each even-  
20 numbered year.

21       (2) PERIODIC PROGRESS REPORT.—

22           (A) REQUIREMENT FOR REPORT.—Each  
23 year, in conjunction with the submission of the  
24 budget to Congress under section 1105(a) of  
25 title 31, United States Code, the Secretary of

1 Homeland Security shall submit to Congress an  
2 assessment of the progress made on imple-  
3 menting the National Strategy for Transpor-  
4 tation Security.

5 (B) CONTENT.—Each progress report  
6 under this paragraph shall include, at a min-  
7 imum, the following matters:

8 (i) An assessment of the adequacy of  
9 the resources committed to meeting the ob-  
10 jectives of the National Strategy for  
11 Transportation Security.

12 (ii) Any recommendations for improv-  
13 ing and implementing that strategy that  
14 the Secretary, in consultation with the Sec-  
15 retary of Transportation, considers appro-  
16 priate.

17 (3) CLASSIFIED MATERIAL.—Any part of the  
18 National Strategy for Transportation Security that  
19 involves information that is properly classified under  
20 criteria established by Executive order shall be sub-  
21 mitted to Congress separately in classified form.

22 (d) PRIORITY STATUS.—

23 (1) IN GENERAL.—The National Strategy for  
24 Transportation Security shall be the governing docu-  
25 ment for Federal transportation security efforts.

1           (2) OTHER PLANS AND REPORTS.—The Na-  
2           tional Strategy for Transportation Security shall in-  
3           clude, as an integral part or as an appendix—

4                   (A) the current National Maritime Trans-  
5                   portation Security Plan under section 70103 of  
6                   title 46, United States Code;

7                   (B) the report of the Secretary of Trans-  
8                   portation under section 44938 of title 49,  
9                   United States Code; and

10                   (C) any other transportation security plan  
11                   or report that the Secretary of Homeland Secu-  
12                   rity determines appropriate for inclusion.

13 **SEC. 703. USE OF WATCHLISTS FOR PASSENGER AIR**  
14 **TRANSPORTATION SCREENING.**

15           (a) IN GENERAL.—The Secretary of Homeland Secu-  
16           rity, acting through the Transportation Security Adminis-  
17           tration, as soon as practicable after the date of the enact-  
18           ment of this Act but in no event later than 90 days after  
19           that date, shall—

20                   (1) implement a procedure under which the  
21                   Transportation Security Administration compares  
22                   information about passengers who are to be carried  
23                   aboard a passenger aircraft operated by an air car-  
24                   rier or foreign air carrier in air transportation or  
25                   intrastate air transportation for flights and flight

1 segments originating in the United States with a  
2 comprehensive, consolidated database containing in-  
3 formation about known or suspected terrorists and  
4 their associates; and

5 (2) use the information obtained by comparing  
6 the passenger information with the information in  
7 the database to prevent known or suspected terror-  
8 ists and their associates from boarding such flights  
9 or flight segments or to subject them to specific ad-  
10 ditional security scrutiny, through the use of “no  
11 fly” and “automatic selectee” lists or other means.

12 (b) AIR CARRIER COOPERATION.—The Secretary of  
13 Homeland Security, in coordination with the Secretary of  
14 Transportation, shall by order require air carriers to pro-  
15 vide the passenger information necessary to implement the  
16 procedure required by subsection (a).

17 (c) MAINTAINING THE ACCURACY AND INTEGRITY OF  
18 THE “NO FLY” AND “AUTOMATIC SELECTEE” LISTS.—

19 (1) WATCHLIST DATABASE.—The Secretary of  
20 Homeland Security, in consultation with the Direc-  
21 tor of the Federal Bureau of Investigation, shall de-  
22 sign guidelines, policies, and operating procedures  
23 for the collection, removal, and updating of data  
24 maintained, or to be maintained, in the watchlist  
25 database described in subsection (a)(1) that are de-

1 signed to ensure the accuracy and integrity of the  
2 database.

3 (2) ACCURACY OF ENTRIES.—In developing the  
4 “no fly” and “automatic selectee” lists under sub-  
5 section (a)(2), the Secretary of Homeland Security  
6 shall establish a simple and timely method for cor-  
7 recting erroneous entries, for clarifying information  
8 known to cause false hits or misidentification errors,  
9 and for updating relevant information that is dis-  
10 positive in the passenger screening process. The Sec-  
11 retary shall also establish a process to provide indi-  
12 viduals whose names are confused with, or similar  
13 to, names in the database with a means of dem-  
14 onstrating that they are not a person named in the  
15 database.

16 **SEC. 704. ENHANCED PASSENGER AND CARGO SCREENING.**

17 (a) AIRCRAFT PASSENGER SCREENING AT CHECK-  
18 POINTS.—

19 (1) DETECTION OF EXPLOSIVES.—

20 (A) IMPROVEMENT OF CAPABILITIES.—As  
21 soon as practicable after the date of the enact-  
22 ment of this Act, the Secretary of Homeland  
23 Security shall take such action as is necessary  
24 to improve the capabilities at passenger screen-  
25 ing checkpoints, especially at commercial air-

1 ports, to detect explosives carried aboard air-  
2 craft by passengers or placed aboard aircraft by  
3 passengers.

4 (B) INTERIM ACTION.—Until measures are  
5 implemented that enable the screening of all  
6 passengers for explosives, the Secretary shall  
7 take immediate measures to require Transpor-  
8 tation Security Administration or other screen-  
9 ers to screen for explosives any individual iden-  
10 tified for additional screening before that indi-  
11 vidual may board an aircraft.

12 (2) IMPLEMENTATION REPORT.—

13 (A) REQUIREMENT FOR REPORT.—Within  
14 90 days after the date of the enactment of this  
15 Act, the Secretary of Homeland Security shall  
16 transmit to the Senate and the House of Rep-  
17 resentatives a report on how the Secretary in-  
18 tends to achieve the objectives of the actions re-  
19 quired under paragraph (1). The report shall  
20 include an implementation schedule.

21 (B) CLASSIFIED INFORMATION.—The Sec-  
22 retary may submit separately in classified form  
23 any information in the report under subpara-  
24 graph (A) that involves information that is



1 properly classified under criteria established by  
2 Executive order.

3 (b) ACCELERATION OF RESEARCH AND DEVELOP-  
4 MENT ON, AND DEPLOYMENT OF, DETECTION OF EXPLO-  
5 SIVES.—

6 (1) REQUIRED ACTION.—The Secretary of  
7 Homeland Security, in consultation with the Sec-  
8 retary of Transportation, shall take such action as  
9 may be necessary to accelerate research and develop-  
10 ment and deployment of technology for screening  
11 aircraft passengers for explosives during or before  
12 the aircraft boarding process.

13 (2) AUTHORIZATION OF APPROPRIATIONS.—  
14 There are authorized to be appropriated to the Sec-  
15 retary such sums as are necessary to carry out this  
16 subsection for each of fiscal years 2005 through  
17 2009.

18 (c) IMPROVEMENT OF SCREENER JOB PERFORM-  
19 ANCE.—

20 (1) REQUIRED ACTION.—The Secretary of  
21 Homeland Security shall take such action as may be  
22 necessary to improve the job performance of airport  
23 screening personnel.

24 (2) HUMAN FACTORS STUDY.—In carrying out  
25 this subsection, the Secretary shall, not later than

1 180 days after the date of the enactment of this Act,  
2 conduct a human factors study in order better to un-  
3 derstand problems in screener performance and to  
4 set attainable objectives for individual screeners and  
5 screening checkpoints.

6 (d) CHECKED BAGGAGE AND CARGO.—

7 (1) IN-LINE BAGGAGE SCREENING.—The Sec-  
8 retary of Homeland Security shall take such action  
9 as may be necessary to expedite the installation and  
10 use of advanced in-line baggage-screening equipment  
11 at commercial airports.

12 (2) CARGO SECURITY.—The Secretary shall  
13 take such action as may be necessary to ensure that  
14 the Transportation Security Administration in-  
15 creases and improves its efforts to screen potentially  
16 dangerous cargo.

17 (3) HARDENED CONTAINERS.—The Secretary,  
18 in consultation with the Secretary of Transportation,  
19 shall require air carriers to deploy at least 1 hard-  
20 ened container for containing baggage or cargo  
21 items in each passenger aircraft that also carries  
22 cargo.

23 (e) COST-SHARING.—Not later than 45 days after the  
24 date of the enactment of this Act, the Secretary of Home-  
25 land Security, in consultation with representatives of air

1 carriers, airport operators, and other interested parties,  
2 shall submit to the Senate and the House of Representa-  
3 tives—

4 (1) a proposed formula for cost-sharing, for the  
5 advanced in-line baggage screening equipment re-  
6 quired by this title, between and among the Federal  
7 Government, State and local governments, and the  
8 private sector that reflects proportionate national se-  
9 curity benefits and private sector benefits for such  
10 enhancement; and

11 (2) recommendations, including recommended  
12 legislation, for an equitable, feasible, and expeditious  
13 system for defraying the costs of the advanced in-  
14 line baggage screening equipment required by this  
15 title, which may be based on the formula proposed  
16 under paragraph (1).

## 17 **TITLE VIII—NATIONAL** 18 **PREPAREDNESS**

### 19 **SEC. 801. HOMELAND SECURITY ASSISTANCE.**

20 (a) DEFINITIONS.—In this section:

21 (1) COMMUNITY.—The term “community”  
22 means a State, local government, or region.

23 (2) HOMELAND SECURITY ASSISTANCE.—The  
24 term “homeland security assistance” means grants  
25 or other financial assistance provided by the Depart-

1       ment of Homeland Security under the State Home-  
2       land Security Grants Program, the Urban Areas Se-  
3       curity Initiative, or the Law Enforcement Terrorism  
4       Prevention Program.

5           (3) LOCAL GOVERNMENT.—The term “local  
6       government” has the meaning given that term in  
7       section 2(10) of the Homeland Security Act of 2002  
8       (6 U.S.C. 101(10)).

9           (4) REGION.—The term “region” means any  
10      intrastate or interstate consortium of local govern-  
11      ments.

12          (5) SECRETARY.—The term “Secretary” means  
13      the Secretary of Homeland Security.

14          (6) STATE.—The term “State” has the mean-  
15      ing given that term in section 2(14) of the Home-  
16      land Security Act of 2002 (6 U.S.C. 101(14)).

17          (7) UNDER SECRETARY.—The term “Under  
18      Secretary” means the Under Secretary of Homeland  
19      Security for Information Analysis and Infrastructure  
20      Protection.

21      (b) IN GENERAL.—The Secretary shall allocate  
22      homeland security assistance to communities based on—

23           (1) the level of threat faced by a community, as  
24      determined by the Secretary through the Under Sec-

1       retary, in consultation with the National Intelligence  
2       Director;

3           (2) the critical infrastructure in the community,  
4       and the risks to and vulnerability of that infrastruc-  
5       ture, as identified and assessed by the Secretary  
6       through the Under Secretary;

7           (3) the community's population and population  
8       density;

9           (4) such other indicia of a community's risk  
10      and vulnerability as the Secretary determines is ap-  
11      propriate;

12          (5) the benchmarks developed under subsection  
13      (d)(4)(A); and

14          (6) the goal of achieving and enhancing essen-  
15      tial emergency preparedness and response capabili-  
16      ties throughout the Nation.

17      (c) REALLOCATION OF ASSISTANCE.—A State receiv-  
18      ing homeland security assistance may reallocate such as-  
19      sistance, in whole or in part, among local governments or  
20      other entities, only if such reallocation is made on the  
21      basis of an assessment of threats, risks, and vulnerabilities  
22      of the local governments or other entities that is consistent  
23      with the criteria set forth in subsection (b).

24      (d) ADVISORY PANEL.—

1           (1) ESTABLISHMENT.—Not later than 60 days  
2       after the date of enactment of this Act, the Sec-  
3       retary shall establish an advisory panel to assist the  
4       Secretary in determining how to allocate homeland  
5       security assistance funds most effectively among  
6       communities, consistent with the criteria set out in  
7       subsection (b).

8           (2) SELECTION OF MEMBERS.—The Secretary  
9       shall appoint no fewer than 10 individuals to serve  
10      on the advisory panel. The individuals shall—

11           (A) be chosen on the basis of their knowl-  
12      edge, achievements, and experience;

13           (B) be from diverse geographic and profes-  
14      sional backgrounds; and

15           (C) have demonstrated expertise in home-  
16      land security or emergency preparedness and  
17      response.

18           (3) TERM.—Each member of the advisory panel  
19      appointed by the Secretary shall serve a term the  
20      length of which is to be determined by the Secretary,  
21      but which shall not exceed 5 years.

22           (4) RESPONSIBILITIES.—The advisory panel  
23      shall—

24           (A) develop benchmarks by which the  
25      needs and capabilities of diverse communities

1 throughout the Nation with respect to potential  
2 terrorist attacks may be assessed, and review  
3 and revise those benchmarks as appropriate;  
4 and

5 (B) advise the Secretary on means of es-  
6 tablishing appropriate priorities for the alloca-  
7 tion of funding among applicants for homeland  
8 security assistance.

9 (5) REPORTS.—Not later than 1 year after the  
10 date of enactment of this Act, and annually there-  
11 after, the advisory panel shall provide the Secretary  
12 and Congress with a report on the benchmarks it  
13 has developed under paragraph (4)(A), including any  
14 revisions or modifications to such benchmarks.

15 (6) APPLICABILITY OF FEDERAL ADVISORY  
16 COMMITTEE ACT.—The Federal Advisory Committee  
17 Act (5 U.S.C. App.) shall apply to the advisory  
18 panel.

19 (7) ADMINISTRATIVE SUPPORT SERVICES.—The  
20 Secretary shall provide administrative support serv-  
21 ices to the advisory panel.

22 (e) TECHNICAL AND CONFORMING AMENDMENT.—  
23 Section 1014(c) of the USA PATRIOT Act of 2001 (42  
24 U.S.C. 3714(c)) is amended by striking paragraph (3).

1 **SEC. 802. THE INCIDENT COMMAND SYSTEM.**

2 (a) FINDINGS.—Consistent with the report of the Na-  
3 tional Commission on Terrorist Attacks Upon the United  
4 States, Congress makes the following findings:

5 (1) The attacks on September 11, 2001, dem-  
6 onstrated that even the most robust emergency re-  
7 sponse capabilities can be overwhelmed if an attack  
8 is large enough.

9 (2) Teamwork, collaboration, and cooperation  
10 at an incident site are critical to a successful re-  
11 sponse to a terrorist attack.

12 (3) Key decision makers who are represented at  
13 the incident command level help to ensure an effec-  
14 tive response, the efficient use of resources, and re-  
15 sponder safety.

16 (4) Regular joint training at all levels is essen-  
17 tial to ensuring close coordination during an actual  
18 incident.

19 (5) Beginning with fiscal year 2005, the De-  
20 partment of Homeland Security is requiring that en-  
21 tities adopt the Incident Command System and  
22 other concepts of the National Incident Management  
23 System in order to qualify for funds distributed by  
24 the Office of State and Local Government Coordina-  
25 tion and Preparedness.



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

3 (1) emergency response agencies nationwide  
4 should adopt the Incident Command System;

5 (2) when multiple agencies or multiple jurisdic-  
6 tions are involved, they should follow a unified com-  
7 mand system; and

8 (3) the Secretary of Homeland Security should  
9 require, as a further condition of receiving homeland  
10 security preparedness funds from the Office of State  
11 and Local Government Coordination and Prepared-  
12 ness, that grant applicants document measures  
13 taken to fully and aggressively implement the Inci-  
14 dent Command System and unified command proce-  
15 dures.

16 **SEC. 803. NATIONAL CAPITAL REGION MUTUAL AID.**

17 (a) DEFINITIONS.—In this section:

18 (1) AUTHORIZED REPRESENTATIVE OF THE  
19 FEDERAL GOVERNMENT.—The term “authorized  
20 representative of the Federal Government” means  
21 any individual or individuals designated by the  
22 President with respect to the executive branch, the  
23 Chief Justice with respect to the Federal judiciary,  
24 or the President of the Senate and Speaker of the  
25 House of Representatives with respect to Congress,

1 or their designees, to request assistance under a Mu-  
2 tual Aid Agreement for an emergency or public serv-  
3 ice event.

4 (2) CHIEF OPERATING OFFICER.—The term  
5 “chief operating officer” means the official des-  
6 ignated by law to declare an emergency in and for  
7 the locality of that chief operating officer.

8 (3) EMERGENCY.—The term “emergency”  
9 means a major disaster or emergency declared by  
10 the President, or a state of emergency declared by  
11 the Mayor of the District of Columbia, the Governor  
12 of the State of Maryland or the Commonwealth of  
13 Virginia, or the declaration of a local emergency by  
14 the chief operating officer of a locality, or their des-  
15 ignees, that triggers mutual aid under the terms of  
16 a Mutual Aid Agreement.

17 (4) EMPLOYEE.—The term “employee” means  
18 the employees of the party, including its agents or  
19 authorized volunteers, who are committed in a Mu-  
20 tual Aid Agreement to prepare for or who respond  
21 to an emergency or public service event.

22 (5) LOCALITY.—The term “locality” means a  
23 county, city, or town within the State of Maryland  
24 or the Commonwealth of Virginia and within the  
25 National Capital Region.

1           (6) MUTUAL AID AGREEMENT.—The term “Mu-  
2       tual Aid Agreement” means an agreement, author-  
3       ized under subsection (b) for the provision of police,  
4       fire, rescue and other public safety and health or  
5       medical services to any party to the agreement dur-  
6       ing a public service event, an emergency, or pre-  
7       planned training event.

8           (7) NATIONAL CAPITAL REGION OR REGION.—  
9       The term “National Capital Region” or “Region”  
10      means the area defined under section 2674(f)(2) of  
11      title 10, United States Code, and those counties with  
12      a border abutting that area and any municipalities  
13      therein.

14          (8) PARTY.—The term “party” means the  
15      State of Maryland, the Commonwealth of Virginia,  
16      the District of Columbia, and any of the localities  
17      duly executing a Mutual Aid Agreement under this  
18      section.

19          (9) PUBLIC SERVICE EVENT.—The term “pub-  
20      lic service event”—

21              (A) means any undeclared emergency, inci-  
22      dent or situation in preparation for or response  
23      to which the Mayor of the District of Columbia,  
24      an authorized representative of the Federal  
25      Government, the Governor of the State of

1 Maryland, the Governor of the Commonwealth  
2 of Virginia, or the chief operating officer of a  
3 locality in the National Capital Region, or their  
4 designees, requests or provides assistance under  
5 a Mutual Aid Agreement within the National  
6 Capital Region; and

7 (B) includes Presidential inaugurations,  
8 public gatherings, demonstrations and protests,  
9 and law enforcement, fire, rescue, emergency  
10 health and medical services, transportation,  
11 communications, public works and engineering,  
12 mass care, and other support that require  
13 human resources, equipment, facilities or serv-  
14 ices supplemental to or greater than the re-  
15 questing jurisdiction can provide.

16 (10) STATE.—The term “State” means the  
17 State of Maryland, the Commonwealth of Virginia,  
18 and the District of Columbia.

19 (11) TRAINING.—The term “training” means  
20 emergency and public service event-related exercises,  
21 testing, or other activities using equipment and per-  
22 sonnel to simulate performance of any aspect of the  
23 giving or receiving of aid by National Capital Region  
24 jurisdictions during emergencies or public service

1 events, such actions occurring outside actual emer-  
2 gency or public service event periods.

3 (b) MUTUAL AID AUTHORIZED.—

4 (1) IN GENERAL.—The Mayor of the District of  
5 Columbia, any authorized representative of the Fed-  
6 eral Government, the Governor of the State of Mary-  
7 land, the Governor of the Commonwealth of Vir-  
8 ginia, or the chief operating officer of a locality, or  
9 their designees, acting within his or her jurisdic-  
10 tional purview, may, subject to State law, enter into,  
11 request or provide assistance under Mutual Aid  
12 Agreements with localities, the Washington Metro-  
13 politan Area Transit Authority, the Metropolitan  
14 Washington Airports Authority, and any other gov-  
15 ernmental agency or authority for—

16 (A) law enforcement, fire, rescue, emer-  
17 gency health and medical services, transpor-  
18 tation, communications, public works and engi-  
19 neering, mass care, and resource support in an  
20 emergency or public service event;

21 (B) preparing for, mitigating, managing,  
22 responding to or recovering from any emer-  
23 gency or public service event; and

24 (C) training for any of the activities de-  
25 scribed under subparagraphs (A) and (B).

1           (2) FACILITATING LOCALITIES.—The State of  
2       Maryland and the Commonwealth of Virginia are en-  
3       couraged to facilitate the ability of localities to enter  
4       into interstate Mutual Aid Agreements in the Na-  
5       tional Capital Region under this section.

6           (3) APPLICATION AND EFFECT.—This section—

7                (A) does not apply to law enforcement se-  
8       curity operations at special events of national  
9       significance under section 3056(e) of title 18,  
10      United States Code, or other law enforcement  
11      functions of the United States Secret Service;

12              (B) does not diminish any authorities, ex-  
13      press or implied, of Federal agencies to enter  
14      into Mutual Aid Agreements in furtherance of  
15      their Federal missions; and

16              (C) does not—

17                   (i) preclude any party from entering  
18      into supplementary Mutual Aid Agree-  
19      ments with fewer than all the parties, or  
20      with another party; or

21                   (ii) affect any other agreement in ef-  
22      fect before the date of enactment of this  
23      Act among the States and localities, in-  
24      cluding the Emergency Management As-  
25      sistance Compact.

1           (4) RIGHTS DESCRIBED.—Other than as de-  
2       scribed in this section, the rights and responsibilities  
3       of the parties to a Mutual Aid Agreement entered  
4       into under this section shall be as described in the  
5       Mutual Aid Agreement.

6       (c) DISTRICT OF COLUMBIA.—

7           (1) IN GENERAL.—The District of Columbia  
8       may purchase liability and indemnification insurance  
9       or become self insured against claims arising under  
10      a Mutual Aid Agreement authorized under this sec-  
11      tion.

12          (2) AUTHORIZATION OF APPROPRIATIONS.—  
13      There are authorized to be appropriated such sums  
14      as may be necessary to carry out paragraph (1).

15      (d) LIABILITY AND ACTIONS AT LAW.—

16          (1) IN GENERAL.—Any responding party or its  
17      officers or employees rendering aid or failing to  
18      render aid to the District of Columbia, the Federal  
19      Government, the State of Maryland, the Common-  
20      wealth of Virginia, or a locality, under a Mutual Aid  
21      Agreement authorized under this section, and any  
22      party or its officers or employees engaged in training  
23      activities with another party under such a Mutual  
24      Aid Agreement, shall be liable on account of any act  
25      or omission of its officers or employees while so en-

1 gaged or on account of the maintenance or use of  
2 any related equipment, facilities, or supplies, but  
3 only to the extent permitted under the laws and pro-  
4 cedures of the State of the party rendering aid.

5 (2) ACTIONS.—Any action brought against a  
6 party or its officers or employees on account of an  
7 act or omission in the rendering of aid to the Dis-  
8 trict of Columbia, the Federal Government, the  
9 State of Maryland, the Commonwealth of Virginia,  
10 or a locality, or failure to render such aid or on ac-  
11 count of the maintenance or use of any related  
12 equipment, facilities, or supplies may be brought  
13 only under the laws and procedures of the State of  
14 the party rendering aid and only in the Federal or  
15 State courts located therein. Actions against the  
16 United States under this section may be brought  
17 only in Federal courts.

18 (3) GOOD FAITH EXCEPTION.—

19 (A) DEFINITION.—In this paragraph, the  
20 term “good faith” shall not include willful mis-  
21 conduct, gross negligence, or recklessness.

22 (B) EXCEPTION.—No State or locality, or  
23 its officers or employees, rendering aid to an-  
24 other party, or engaging in training, under a  
25 Mutual Aid Agreement shall be liable under



1 Federal law on account of any act or omission  
2 performed in good faith while so engaged, or on  
3 account of the maintenance or use of any re-  
4 lated equipment, facilities, or supplies per-  
5 formed in good faith.

6 (4) IMMUNITIES.—This section shall not abro-  
7 gate any other immunities from liability that any  
8 party has under any other Federal or State law.

9 (d) WORKERS COMPENSATION.—

10 (1) COMPENSATION.—Each party shall provide  
11 for the payment of compensation and death benefits  
12 to injured members of the emergency forces of that  
13 party and representatives of deceased members of  
14 such forces if such members sustain injuries or are  
15 killed while rendering aid to the District of Colum-  
16 bia, the Federal Government, the State of Maryland,  
17 the Commonwealth of Virginia, or a locality, under  
18 a Mutual Aid Agreement, or engaged in training ac-  
19 tivities under a Mutual Aid Agreement, in the same  
20 manner and on the same terms as if the injury or  
21 death were sustained within their own jurisdiction.

22 (2) OTHER STATE LAW.—No party shall be lia-  
23 ble under the law of any State other than its own  
24 for providing for the payment of compensation and  
25 death benefits to injured members of the emergency

1 forces of that party and representatives of deceased  
2 members of such forces if such members sustain in-  
3 juries or are killed while rendering aid to the Dis-  
4 trict of Columbia, the Federal Government, the  
5 State of Maryland, the Commonwealth of Virginia,  
6 or a locality, under a Mutual Aid Agreement or en-  
7 gaged in training activities under a Mutual Aid  
8 Agreement.

9 (e) LICENSES AND PERMITS.—If any person holds a  
10 license, certificate, or other permit issued by any respond-  
11 ing party evidencing the meeting of qualifications for pro-  
12 fessional, mechanical, or other skills and assistance is re-  
13 quested by a receiving jurisdiction, such person will be  
14 deemed licensed, certified, or permitted by the receiving  
15 jurisdiction to render aid involving such skill to meet a  
16 public service event, emergency or training for any such  
17 events.

18 **SEC. 804. ASSIGNMENT OF SPECTRUM FOR PUBLIC SAFETY.**

19 Section 309(j)(14) of the Communications Act of  
20 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the  
21 end the following:

22 “(E) EXTENSIONS NOT PERMITTED FOR  
23 CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR  
24 PUBLIC SAFETY SERVICES.—Notwithstanding  
25 subparagraph (B), the Commission shall not

1 grant any extension under such subparagraph  
2 from the limitation of subparagraph (A) with  
3 respect to the frequencies assigned, under sec-  
4 tion 337(a)(1), for public safety services. The  
5 Commission shall take all actions necessary to  
6 complete assignment of the electromagnetic  
7 spectrum between 764 and 776 megahertz, in-  
8 clusive, and between 794 and 806 megahertz,  
9 inclusive, for public safety services and to per-  
10 mit operations by public safety services on those  
11 frequencies commencing not later than January  
12 1, 2007.”.

13 **SEC. 805. URBAN AREA COMMUNICATIONS CAPABILITIES.**

14 (a) IN GENERAL.—Title V of the Homeland Security  
15 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding  
16 at the end the following:

17 **“SEC. 510. HIGH RISK URBAN AREA COMMUNICATIONS CA-**  
18 **PABILITIES.**

19 “The Secretary, in consultation with the Federal  
20 Communications Commission and the Secretary of De-  
21 fense, and with appropriate governors, mayors, and other  
22 State and local government officials, shall encourage and  
23 support the establishment of consistent and effective com-  
24 munications capabilities in the event of an emergency in  
25 urban areas determined by the Secretary to be at consist-

1 ently high levels of risk from terrorist attack. Such com-  
 2 munications capabilities shall ensure the ability of all lev-  
 3 els of government agencies, including military authorities,  
 4 and of first responders, hospitals, and other organizations  
 5 with emergency response capabilities to communicate with  
 6 each other in the event of an emergency. Additionally, the  
 7 Secretary, in conjunction with the Secretary of Defense,  
 8 shall develop plans to provide back-up and additional com-  
 9 munications support in the event of an emergency.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 11 Section 1(b) of that Act is amended by inserting after the  
 12 item relating to section 509 the following:

“Sec. 510. High risk urban area communications capabilities.”.

13 **SEC. 806. PRIVATE SECTOR PREPAREDNESS.**

14 (a) FINDINGS.—Consistent with the report of the Na-  
 15 tional Commission on Terrorist Attacks Upon the United  
 16 States, Congress makes the following findings:

17 (1) Private sector organizations own 85 percent  
 18 of the Nation’s critical infrastructure and employ  
 19 the vast majority of the Nation’s workers.

20 (2) Unless a terrorist attack targets a military  
 21 or other secure government facility, the first people  
 22 called upon to respond will likely be civilians.

23 (3) Despite the exemplary efforts of some pri-  
 24 vate entities, the private sector remains largely un-  
 25 prepared for a terrorist attack, due in part to the

1 lack of a widely accepted standard for private sector  
2 preparedness.

3 (4) Preparedness in the private sector and pub-  
4 lic sector for rescue, restart and recovery of oper-  
5 ations should include—

6 (A) a plan for evacuation;

7 (B) adequate communications capabilities;

8 and

9 (C) a plan for continuity of operations.

10 (5) The American National Standards Institute  
11 recommends a voluntary national preparedness  
12 standard for the private sector based on the existing  
13 American National Standard on Disaster/Emergency  
14 Management and Business Continuity Programs  
15 (NFPA 1600), with appropriate modifications. This  
16 standard would establish a common set of criteria  
17 and terminology for preparedness, disaster manage-  
18 ment, emergency management, and business con-  
19 tinuity programs.

20 (6) The mandate of the Department of Home-  
21 land Security extends to working with the private  
22 sector, as well as government entities.

23 (b) PRIVATE SECTOR PREPAREDNESS PROGRAM.—

24 (1) IN GENERAL.—Title V of the Homeland Se-  
25 curity Act of 2002 (6 U.S.C. 311 et seq.), as amend-

1 ed by section 805, is amended by adding at the end  
2 the following:

3 **“SEC. 511. PRIVATE SECTOR PREPAREDNESS PROGRAM.**

4 “The Secretary shall establish a program to promote  
5 private sector preparedness for terrorism and other emer-  
6 gencies, including promoting the adoption of a voluntary  
7 national preparedness standard such as the private sector  
8 preparedness standard developed by the American Na-  
9 tional Standards Institute and based on the National Fire  
10 Protection Association 1600 Standard on Disaster/Emer-  
11 gency Management and Business Continuity Programs.”.

12 (2) TECHNICAL AND CONFORMING AMEND-  
13 MENT.—Section 1(b) of that Act, as amended by  
14 section 805, is amended by inserting after the item  
15 relating to section 510 the following:

“Sec. 511. Private sector preparedness program.”.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that insurance and credit-rating industries should  
18 consider compliance with the voluntary national prepared-  
19 ness standard, the adoption of which is promoted by the  
20 Secretary of Homeland Security under section 511 of the  
21 Homeland Security Act of 2002, as added by subsection  
22 (b), in assessing insurability and credit worthiness.

23 **SEC. 807. CRITICAL INFRASTRUCTURE AND READINESS AS-**  
24 **SESSMENTS.**

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

1           (1) Under section 201 of the Homeland Secu-  
2           rity Act of 2002 (6 U.S.C 121), the Department of  
3           Homeland Security, through the Under Secretary  
4           for Information Analysis and Infrastructure Protec-  
5           tion, has the responsibility—

6                   (A) to carry out comprehensive assess-  
7                   ments of the vulnerabilities of the key resources  
8                   and critical infrastructure of the United States,  
9                   including the performance of risk assessments  
10                  to determine the risks posed by particular types  
11                  of terrorist attacks within the United States;

12                  (B) to identify priorities for protective and  
13                  supportive measures; and

14                  (C) to develop a comprehensive national  
15                  plan for securing the key resources and critical  
16                  infrastructure of the United States.

17           (2) Under Homeland Security Presidential Di-  
18           rective 7, issued on December 17, 2003, the Sec-  
19           retary of Homeland Security was given 1 year to de-  
20           velop a comprehensive plan to identify, prioritize,  
21           and coordinate the protection of critical infrastruc-  
22           ture and key resources.

23           (3) Consistent with the report of the National  
24           Commission on Terrorist Attacks Upon the United

1 States, the Secretary of Homeland Security  
2 should—

3 (A) identify those elements of the United  
4 States' transportation, energy, communications,  
5 financial, and other institutions that need to be  
6 protected;

7 (B) develop plans to protect that infra-  
8 structure; and

9 (C) exercise mechanisms to enhance pre-  
10 paredness.

11 (b) REPORTS ON RISK ASSESSMENT AND READI-  
12 NESS.—Not later than 180 days after the date of enact-  
13 ment of this Act and annually thereafter, the Secretary  
14 of Homeland Security shall submit a report to Congress  
15 on—

16 (1) the Department of Homeland Security's  
17 progress in completing vulnerability and risk assess-  
18 ments of the Nation's critical infrastructure;

19 (2) the adequacy of the Government's plans to  
20 protect such infrastructure; and

21 (3) the readiness of the Government to respond  
22 to threats against the United States.



1 **SEC. 808. REPORT ON NORTHERN COMMAND AND DEFENSE**  
2 **OF THE UNITED STATES HOMELAND.**

3 (a) FINDINGS.—Consistent with the report of the Na-  
4 tional Commission on Terrorist Attacks Upon the United  
5 States, Congress makes the following findings:

6 (1) The primary responsibility for national de-  
7 fense is with the Department of Defense and the  
8 secondary responsibility for national defense is with  
9 the Department of Homeland Security, and the 2  
10 departments must have clear delineations of respon-  
11 sibility.

12 (2) Before September 11, 2001, the North  
13 American Aerospace Defense Command (hereafter in  
14 this section referred to as “NORAD”), which had  
15 responsibility for defending United States airspace  
16 on September 11, 2001—

17 (A) focused on threats coming from out-  
18 side the borders of the United States; and

19 (B) had not increased its focus on ter-  
20 rorism within the United States, even though  
21 the intelligence community had gathered intel-  
22 ligence on the possibility that terrorists might  
23 turn to hijacking and even the use of airplanes  
24 as missiles within the United States.

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

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

6           (1) the Secretary of Defense should regularly  
7       assess the adequacy of United States Northern Com-  
8       mand’s plans and strategies with a view to ensuring  
9       that the United States Northern Command is pre-  
10      pared to respond effectively to all military and para-  
11      military threats within the United States; and

12          (2) the Committee on Armed Services of the  
13      Senate and the Committee on Armed Services of the  
14      House of Representatives should periodically review  
15      and assess the adequacy of such plans and strate-  
16      gies.

17      (c) REPORT.—Not later than 180 days after the date  
18      of the enactment of this Act, and every 180 days there-  
19      after, the Secretary of Defense shall submit to the Com-  
20      mittee on Armed Services of the Senate and the Com-  
21      mittee on Armed Services of the House of Representatives  
22      a report describing the United States Northern Com-  
23      mand’s plans and strategies to defend the United States  
24      against military and paramilitary threats within the  
25      United States.

1           **TITLE IX—PROTECTION OF**  
2                   **CIVIL LIBERTIES**

3   **SEC. 901. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**  
4                   **BOARD.**

5           (a) IN GENERAL.—There is established within the  
6   Executive Office of the President a Privacy and Civil Lib-  
7   erties Oversight Board (referred to in this title as the  
8   “Board”).

9           (b) FINDINGS.—Consistent with the report of the Na-  
10   tional Commission on Terrorist Attacks Upon the United  
11   States, Congress makes the following findings:

12               (1) In conducting the war on terrorism, the  
13   Government may need additional powers and may  
14   need to enhance the use of its existing powers.

15               (2) This shift of power and authority to the  
16   Government calls for an enhanced system of checks  
17   and balances to protect the precious liberties that  
18   are vital to our way of life and to ensure that the  
19   Government uses its powers for the purposes for  
20   which the powers were given.

21           (c) PURPOSE.—The Board shall—

22               (1) analyze and review actions the Executive  
23   Branch takes to protect the Nation from terrorism;  
24   and

(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

(d) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under section 201(e);

(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under section 201(e);

(C) advise the President and Federal executive departments and agencies to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

1 (D) in providing advice on proposals to re-  
2 tain or enhance a particular governmental  
3 power, consider whether the executive depart-  
4 ment or agency has explained—

5 (i) that the power actually materially  
6 enhances security; and

7 (ii) that there is adequate supervision  
8 of the executive's use of the power to en-  
9 sure protection of civil liberties.

10 (2) OVERSIGHT.—The Board shall continually  
11 review—

12 (A) the regulations, policies, and proce-  
13 dures and the implementation of the regula-  
14 tions, policies, procedures, and related laws of  
15 Federal executive departments and agencies to  
16 ensure that privacy and civil liberties are pro-  
17 tected;

18 (B) the information sharing practices of  
19 Federal executive departments and agencies to  
20 determine whether they appropriately protect  
21 privacy and civil liberties and adhere to the in-  
22 formation sharing guidelines promulgated under  
23 section 201(e) and to other governing laws, reg-  
24 ulations, and policies regarding privacy and civil  
25 liberties; and

1 (C) other actions by the Executive Branch  
2 related to efforts to protect the Nation from  
3 terrorism to determine whether such actions—

4 (i) appropriately protect privacy and  
5 civil liberties; and

6 (ii) are consistent with governing  
7 laws, regulations, and policies regarding  
8 privacy and civil liberties.

9 (3) RELATIONSHIP WITH PRIVACY AND CIVIL  
10 LIBERTIES OFFICERS.—The Board shall review and  
11 assess the activities of privacy and civil liberties offi-  
12 cers described in section 902 and, where appro-  
13 priate, shall coordinate their activities.

14 (e) REPORTS.—

15 (1) IN GENERAL.—The Board shall—

16 (A) receive and review reports from privacy  
17 and civil liberties officers described in section  
18 902; and

19 (B) periodically submit, not less than semi-  
20 annually, reports to Congress and the Presi-  
21 dent.

22 (2) CONTENTS.—Not less than 2 reports sub-  
23 mitted each year under paragraph (1)(B) shall in-  
24 clude—

1 (A) a description of the major activities of  
2 the Board during the relevant period; and

3 (B) information on the findings, conclu-  
4 sions, and recommendations of the Board re-  
5 sulting from its advice and oversight functions  
6 under subsection (d).

7 (f) INFORMING THE PUBLIC.—The Board shall  
8 hold public hearings, release public reports, and oth-  
9 erwise inform the public of its activities, as appro-  
10 priate and in a manner consistent with the protec-  
11 tion of classified information and applicable law.

12 (g) ACCESS TO INFORMATION.—

13 (1) AUTHORIZATION.—If determined by the  
14 Board to be necessary to carry out its responsibil-  
15 ities under this section, the Board may—

16 (A) secure directly from any Federal exec-  
17 utive department or agency, or any Federal of-  
18 ficer or employee, all relevant records, reports,  
19 audits, reviews, documents, papers, or rec-  
20 ommendations, including classified information  
21 consistent with applicable law;

22 (B) interview, take statements from, or  
23 take public testimony from personnel of any  
24 Federal executive department or agency or any  
25 Federal officer or employee;

1 (C) request information or assistance from  
2 any State, tribal, or local government; and

3 (D) require, by subpoena, persons other  
4 than Federal executive departments and agen-  
5 cies to produce any relevant information, docu-  
6 ments, reports, answers, records, accounts, pa-  
7 pers, and other documentary or testimonial evi-  
8 dence.

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

16 (h) MEMBERSHIP.—

17 (1) MEMBERS.—The Board shall be composed  
18 of a chairman and 4 additional members, who shall  
19 be appointed by the President, by and with the ad-  
20 vice and consent of the Senate.

21 (2) QUALIFICATIONS.—Members of the Board  
22 shall be selected solely on the basis of their profes-  
23 sional qualifications, achievements, public stature,  
24 and relevant experience, and without regard to polit-  
25 ical affiliation.



1           (3) INCOMPATIBLE OFFICE.—An individual ap-  
2           pointed to the Board may not, while serving on the  
3           Board, be an elected official, an officer, or an em-  
4           ployee of the Federal Government, other than in the  
5           capacity as a member of the Board.

6           (i) COMPENSATION AND TRAVEL EXPENSES.—

7           (1) COMPENSATION.—

8                   (A) CHAIRMAN.—The chairman shall be  
9                   compensated at a rate equal to the daily equiva-  
10                  lent of the annual rate of basic pay in effect for  
11                  a position at level III of the Executive Schedule  
12                  under section 5314 of title 5, United States  
13                  Code, for each day during which the chairman  
14                  is engaged in the actual performance of the du-  
15                  ties of the Board.

16                  (B) MEMBERS.—Each member of the  
17                  Board shall be compensated at a rate equal to  
18                  the daily equivalent of the annual rate of basic  
19                  pay in effect for a position at level IV of the  
20                  Executive Schedule under section 5315 of title  
21                  5, United States Code, for each day during  
22                  which that member is engaged in the actual  
23                  performance of the duties of the Board.

24           (2) TRAVEL EXPENSES.—Members of the  
25           Board shall be allowed travel expenses, including per

1 diem in lieu of subsistence, at rates authorized for  
2 persons employed intermittently by the Government  
3 under section 5703(b) of title 5, United States Code,  
4 while away from their homes or regular places of  
5 business in the performance of services for the  
6 Board.

7 (j) STAFF.—

8 (1) APPOINTMENT AND COMPENSATION.—The  
9 Chairman, in accordance with rules agreed upon by  
10 the Board, shall appoint and fix the compensation of  
11 an executive director and such other personnel as  
12 may be necessary to enable the Board to carry out  
13 its functions, without regard to the provisions of  
14 title 5, United States Code, governing appointments  
15 in the competitive service, and without regard to the  
16 provisions of chapter 51 and subchapter III of chap-  
17 ter 53 of such title relating to classification and  
18 General Schedule pay rates, except that no rate of  
19 pay fixed under this subsection may exceed the  
20 equivalent of that payable for a position at level V  
21 of the Executive Schedule under section 5316 of title  
22 5, United States Code.

23 (2) DETAILEES.—Any Federal employee may  
24 be detailed to the Board without reimbursement  
25 from the Board, and such detailee shall retain the

1       rights, status, and privileges of the detailee's regular  
2       employment without interruption.

3           (3) CONSULTANT SERVICES.—The Board may  
4       procure the temporary or intermittent services of ex-  
5       perts and consultants in accordance with section  
6       3109 of title 5, United States Code, at rates that do  
7       not exceed the daily rate paid a person occupying a  
8       position at level IV of the Executive Schedule under  
9       section 5315 of such title.

10       (k) SECURITY CLEARANCES.—The appropriate Fed-  
11      eral executive departments and agencies shall cooperate  
12      with the Board to expeditiously provide the Board mem-  
13      bers and staff with appropriate security clearances to the  
14      extent possible under existing procedures and require-  
15      ments, except that no person shall be provided with access  
16      to classified information under this section without the ap-  
17      propriate security clearances.

18       (l) TREATMENT AS AGENCY, NOT AS ADVISORY COM-  
19      MITTEE.—The Board—

20           (1) is an agency (as defined in section 551(1)  
21       of title 5, United States Code); and

22           (2) is not an advisory committee (as defined in  
23       section 3(2) of the Federal Advisory Committee Act  
24       (5 U.S.C. App.)).

1 (m) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

4 **SEC. 902. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

5 (a) DESIGNATION AND FUNCTIONS.—The Attorney  
6 General, Secretary of Defense, Secretary of Homeland Se-  
7 curity, Secretary of State, Secretary of the Treasury, Sec-  
8 retary of Health and Human Services, National Intel-  
9 ligence Director, Director of the Central Intelligence  
10 Agency, and the head of any other executive department  
11 or agency designated by the Privacy and Civil Liberties  
12 Oversight Board to be appropriate for coverage under this  
13 section shall designate not less than 1 senior officer to—

14 (1) assist the department or agency head and  
15 other department or agency officials in appropriately  
16 considering privacy and civil liberties concerns when  
17 such officials are proposing, developing, or imple-  
18 menting laws, regulations, policies, procedures, or  
19 guidelines related to efforts to protect the Nation  
20 against terrorism;

21 (2) periodically investigate and review depart-  
22 ment or agency actions, policies, procedures, guide-  
23 lines, and related laws and their implementation to  
24 ensure that the department or agency is adequately  
25 considering privacy and civil liberties in its actions;

1           (3) ensure that the department or agency has  
2       adequate procedures to receive, investigate, and re-  
3       spond to complaints from individuals who allege the  
4       department or agency has violated their privacy or  
5       civil liberties; and

6           (4) in providing advice on proposals to retain or  
7       enhance a particular governmental power the officer  
8       shall consider whether the department or agency has  
9       explained—

10                   (i) that the power actually materially  
11                   enhances security; and

12                   (ii) that there is adequate supervision  
13                   of the department's or agency's use of the  
14                   power to ensure protection of civil liberties.

15       (b) EXCEPTION TO DESIGNATION AUTHORITY.—

16           (1) PRIVACY OFFICERS.—In any department or  
17       agency referenced in subsection (a) or designated by  
18       the Board, which has a statutorily created privacy  
19       officer, such officer shall perform the functions spec-  
20       ified in subsection (a) with respect to privacy.

21           (2) CIVIL LIBERTIES OFFICERS.—In any de-  
22       partment or agency referenced in subsection (a) or  
23       designated by the Board, which has a statutorily  
24       created civil liberties officer, such officer shall per-

1 form the functions specified in subsection (a) with  
2 respect to civil liberties.

3 (c) SUPERVISION AND COORDINATION.—Each pri-  
4 vacy or civil liberties officer described in subsection (a)  
5 or (b) shall—

6 (1) report directly to the department or agency  
7 head; and

8 (2) coordinate their activities with the Inspector  
9 General of the agency to avoid duplication of effort.

10 (d) AGENCY COOPERATION.—Each department or  
11 agency head shall ensure that each privacy and civil lib-  
12 erties officer—

13 (1) has the information and material necessary  
14 to fulfill the officer's functions;

15 (2) is advised of proposed policy changes;

16 (3) is consulted by decision makers; and

17 (4) is given access to material and personnel  
18 the officer determines to be necessary to carry out  
19 the officer's functions.

20 (e) PERIODIC REPORTS.—

21 (1) IN GENERAL.—The privacy and civil lib-  
22 erties officers of each department or agency ref-  
23 erenced or designated under subsection (a) shall pe-  
24 riodically, but not less than quarterly, submit a re-  
25 port on the officers' activities to Congress, the de-

1       partment or agency head, and the Privacy and Civil  
2       Liberties Oversight Board.

3           (2) CONTENTS.—Each report submitted under  
4       paragraph (1) shall include information on the dis-  
5       charge of each of the officer’s functions, including—

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

8           (B) the type of advice provided and the re-  
9       sponse given to such advice;

10          (C) the number and nature of the com-  
11       plaints received by the agency for alleged viola-  
12       tions; and

13          (D) a summary of the disposition of such  
14       complaints, the reviews and inquiries conducted,  
15       and the impact of the officer’s activities.

○