

109TH CONGRESS
2^D SESSION

H. R. 5017

To ensure the implementation of the recommendations of the National
Commission on Terrorist Attacks Upon the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2006

Mr. SHAYS (for himself and Mrs. MALONEY) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Select Committee on Intelligence (Permanent Select), Government Reform, Armed Services, Judiciary, International Relations, Financial Services, Transportation and Infrastructure, Rules, Energy and Commerce, Ways and Means, and Budget, 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 ensure the implementation of the recommendations of
the National Commission on Terrorist Attacks Upon the
United States.

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 “Ensuring Implementation of the 9/11 Commission Re-
6 port Act”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definition; 9/11 Commission.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS
 AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

- Sec. 101. Adequate radio spectrum for first responders.
 Sec. 102. Report on establishing a unified incident command system.
 Sec. 103. Report on completing a national critical infrastructure risk and
 vulnerabilities assessment.
 Sec. 104. Private sector preparedness.
 Sec. 105. Relevant congressional committees defined.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

- Sec. 111. Short title.
 Sec. 112. Findings.
 Sec. 113. Faster and Smarter Funding for First Responders.
 Sec. 114. Superseded provision.
 Sec. 115. Oversight.
 Sec. 116. GAO report on an inventory and status of Homeland Security first
 responder training.
 Sec. 117. Removal of civil liability barriers that discourage the donation of fire
 equipment to volunteer fire companies.

Subtitle B—Transportation Security

- Sec. 121. Report on national strategy for transportation security.
 Sec. 122. Report on airline passenger pre-screening.
 Sec. 123. Report on detection of explosives at airline screening checkpoints.
 Sec. 124. Report on comprehensive screening program.
 Sec. 125. Relevant congressional committees defined.

Subtitle C—Border Security

- Sec. 131. Counterterrorist travel intelligence.
 Sec. 132. Comprehensive screening system.
 Sec. 133. Biometric entry and exit data system.
 Sec. 134. International collaboration on border and document security.
 Sec. 135. Standardization of secure identification.
 Sec. 136. Security enhancements for social security cards.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

- Sec. 201. Report on director of national intelligence.
 Sec. 202. Report on national counterterrorism center.
 Sec. 203. Report on creation of a Federal Bureau of Investigation national se-
 curity workforce.

- Sec. 204. Report on new missions for the Director of the Central Intelligence Agency.
- Sec. 205. Report on incentives for information sharing.
- Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
- Sec. 207. Homeland airspace defense.
- Sec. 208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
- Sec. 209. Relevant congressional committees defined.

Subtitle B—Civil Liberties and Executive Power

- Sec. 211. Report on the balance between security and civil liberties.
- Sec. 212. Privacy and civil liberties oversight board.
- Sec. 213. Set privacy guidelines for Government sharing of personal information.
- Sec. 214. Definition of relevant congressional committees for subtitle.

Subtitle C—Homeland Security Committees

CHAPTER 1—HOMELAND SECURITY REFORM IN THE HOUSE OF REPRESENTATIVES

- Sec. 221. Committee on Homeland Security.
- Sec. 222. Committee on Intelligence.
- Sec. 223. Subcommittee limitation on Committee on Appropriations.
- Sec. 224. Membership on Committee on Appropriations.
- Sec. 225. Conforming amendments.

CHAPTER 2—HOMELAND SECURITY OVERSIGHT REFORM IN THE SENATE

SUBCHAPTER A—HOMELAND SECURITY

- Sec. 231. Homeland Security.

SUBCHAPTER B—INTELLIGENCE OVERSIGHT REFORM

- Sec. 241. Intelligence oversight.

SUBCHAPTER C—COMMITTEE STATUS

- Sec. 251. Committee status.

SUBCHAPTER D—INTELLIGENCE-RELATED SUBCOMMITTEES

- Sec. 261. Subcommittee related to intelligence oversight.
- Sec. 262. Subcommittee related to intelligence appropriations.

CHAPTER 3—EFFECTIVE DATE

- Sec. 271. Effective date.

Subtitle D—Declassification of Overall Intelligence Budget

- Sec. 281. Availability to public of certain intelligence funding information.

Subtitle E—Standardize Security Clearances

- Sec. 282. Standardization of security clearances.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND
NONPROLIFERATION

Subtitle A—Foreign Policy

- Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
- Sec. 302. Actions to support Pakistan against extremists.
- Sec. 303. Actions to support reform in Saudi Arabia.
- Sec. 304. Elimination of terrorist sanctuaries.
- Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
- Sec. 306. Standards for the detention and humane treatment of captured terrorists.
- Sec. 307. Use of economic policies to combat terrorism.
- Sec. 308. Actions to ensure vigorous efforts against terrorist financing.

Subtitle B—Public Diplomacy

- Sec. 311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.
- Sec. 312. International broadcasting.
- Sec. 313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.
- Sec. 314. International Youth Opportunity Fund.

Subtitle C—Nonproliferation

- Sec. 321. Short title.
- Sec. 322. Findings.
- Sec. 323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.
- Sec. 324. Removal of restrictions on Cooperative Threat Reduction programs.
- Sec. 325. Removal of restrictions on Department of Energy nonproliferation programs.
- Sec. 326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.
- Sec. 327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
- Sec. 328. Special reports on adherence to arms control agreements and nonproliferation commitments.
- Sec. 329. Presidential report on impediments to certain nonproliferation activities.
- Sec. 330. Enhancement of Global Threat Reduction Initiative.
- Sec. 331. Expansion of Proliferation Security Initiative.
- Sec. 332. Sense of Congress relating to international security standards for nuclear weapons and materials.
- Sec. 333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.
- Sec. 334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.
- Sec. 335. Research and development involving alternative use of weapons of mass destruction expertise.
- Sec. 336. Strengthening the Nuclear Nonproliferation Treaty.
- Sec. 337. Definitions.

1 **SEC. 2. DEFINITION; 9/11 COMMISSION.**

2 In this Act, the term “9/11 Commission” means the
3 National Commission on Terrorist Attacks Upon the
4 United States.

5 **TITLE I—HOMELAND SECURITY,**
6 **EMERGENCY PREPAREDNESS**
7 **AND RESPONSE**

8 **Subtitle A—Emergency**
9 **Preparedness and Response**

10 **CHAPTER 1—EMERGENCY**
11 **PREPAREDNESS**

12 **SEC. 101. ADEQUATE RADIO SPECTRUM FOR FIRST RE-**
13 **SPONDERS.**

14 (a) **SHORT TITLE.**—This chapter may be cited as the
15 “Homeland Emergency Response Operations Act” or the
16 “HERO Act”.

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

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
26 grant any extension under such subparagraph

1 from the limitation of subparagraph (A) with
2 respect to the frequencies assigned, pursuant to
3 section 337(a)(1), for public safety services.
4 The Commission shall take all actions necessary
5 to complete assignment of the electromagnetic
6 spectrum between 764 and 776 megahertz, in-
7 clusive, and between 794 and 806 megahertz,
8 inclusive, for public safety services and to per-
9 mit operations by public safety services on those
10 frequencies commencing no later than January
11 1, 2007.”.

12 **SEC. 102. REPORT ON ESTABLISHING A UNIFIED INCIDENT**
13 **COMMAND SYSTEM.**

14 (a) REPORT; CERTIFICATION.—Not later than 30
15 days after the date of the enactment of this Act, and every
16 30 days thereafter, the Secretary of Homeland Security
17 shall submit to the relevant congressional committees a
18 report on the recommendations of the 9/11 Commission
19 and the policy goals of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (Public Law 108–458)
21 with respect to establishing a unified incident command
22 system. Such report shall include—

23 (1) a certification by the Secretary of Home-
24 land Security that such recommendations have been

1 implemented and such policy goals have been
2 achieved; or

3 (2) if the Secretary of Homeland Security is
4 unable to make the certification described in para-
5 graph (1), a description of—

6 (A) the steps taken to implement such rec-
7 ommendations and achieve such policy goals;

8 (B) when the Secretary of Homeland Secu-
9 rity expects such recommendations to be imple-
10 mented and such policy goals to be achieved;
11 and

12 (C) any allocation of resources or other ac-
13 tions by Congress the Director considers nec-
14 essary to implement such recommendations and
15 achieve such policy goals.

16 (b) TERMINATION OF DUTY TO REPORT.—The duty
17 to submit a report under subsection (a) shall terminate
18 when the Secretary of Homeland Security submits a cer-
19 tification pursuant to subsection (a)(1).

20 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
21 retary of Homeland Security submits a certification pursu-
22 ant to subsection (a)(1), not later than 30 days after the
23 submission of such certification, the Comptroller General
24 shall submit to the relevant congressional committees a
25 report on whether the recommendations described in sub-

1 section (a) have been implemented and whether the policy
2 goals described in subsection (a) have been achieved.

3 **SEC. 103. REPORT ON COMPLETING A NATIONAL CRITICAL**
4 **INFRASTRUCTURE RISK AND**
5 **VULNERABILITIES ASSESSMENT.**

6 (a) REPORT; CERTIFICATION.—Not later than 30
7 days after the date of the enactment of this Act, and every
8 30 days thereafter, the Secretary of Homeland Security
9 shall submit to the relevant congressional committees a
10 report on the recommendations of the 9/11 Commission
11 and the policy goals of the Intelligence Reform and Ter-
12 rorism Prevention Act of 2004 (Public Law 108–458)
13 with respect to completing a national critical infrastruc-
14 ture risk and vulnerabilities assessment. Such report shall
15 include—

16 (1) a certification by the Secretary of Home-
17 land Security that such recommendations have been
18 implemented and such policy goals have been
19 achieved; or

20 (2) if the Secretary of Homeland Security is
21 unable to make the certification described in para-
22 graph (1), a description of—

23 (A) the steps taken to implement such rec-
24 ommendations and achieve such policy goals;

1 (B) when the Secretary of Homeland Secu-
2 rity expects such recommendations to be imple-
3 mented and such policy goals to be achieved;
4 and

5 (C) any allocation of resources or other ac-
6 tions by Congress the Director considers nec-
7 essary to implement such recommendations and
8 achieve such policy goals.

9 (b) **TERMINATION OF DUTY TO REPORT.**—The duty
10 to submit a report under subsection (a) shall terminate
11 when the Secretary of Homeland Security submits a cer-
12 tification pursuant to subsection (a)(1).

13 (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-
14 retary of Homeland Security submits a certification pursu-
15 ant to subsection (a)(1), not later than 30 days after the
16 submission of such certification, the Comptroller General
17 shall submit to the relevant congressional committees a
18 report on whether the recommendations described in sub-
19 section (a) have been implemented and whether the policy
20 goals described in subsection (a) have been achieved.

21 **SEC. 104. PRIVATE SECTOR PREPAREDNESS.**

22 The Comptroller General of the United States shall
23 submit to the Congress by not later than 90 days after
24 the date of the enactment of this Act—

1 (1) a determination of what has been done to
2 enhance private sector preparedness for terrorist at-
3 tack; and

4 (2) recommendations of any additional congres-
5 sional action or administrative action that is nec-
6 essary to enhance such preparedness.

7 **SEC. 105. RELEVANT CONGRESSIONAL COMMITTEES DE-**
8 **FINED.**

9 In this chapter, the term “relevant congressional
10 committees” means the Committee on Homeland Security,
11 the Committee on Government Reform, and the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives and the Committee on Homeland Secu-
14 rity and Government Affairs and the Committee on Envi-
15 ronment and Public Works of the Senate.

16 **CHAPTER 2—ASSISTANCE FOR FIRST**
17 **RESPONDERS**

18 **SEC. 111. SHORT TITLE.**

19 This chapter may be cited as the “Faster and Smart-
20 er Funding for First Responders Act of 2005”.

21 **SEC. 112. FINDINGS.**

22 The Congress finds the following:

23 (1) In order to achieve its objective of pre-
24 venting, minimizing the damage from, and assisting
25 in the recovery from terrorist attacks, the Depart-

1 ment of Homeland Security must play a leading role
2 in assisting communities to reach the level of pre-
3 paredness they need to prevent and respond to a ter-
4 rorist attack.

5 (2) First responder funding is not reaching the
6 men and women of our Nation's first response teams
7 quickly enough, and sometimes not at all.

8 (3) To reform the current bureaucratic process
9 so that homeland security dollars reach the first re-
10 sponders who need it most, it is necessary to clarify
11 and consolidate the authority and procedures of the
12 Department of Homeland Security that support first
13 responders.

14 (4) Ensuring adequate resources for the new
15 national mission of homeland security, without de-
16 grading the ability to address effectively other types
17 of major disasters and emergencies, requires a dis-
18 crete and separate grant making process for home-
19 land security funds for first response to terrorist
20 acts, on the one hand, and for first responder pro-
21 grams designed to meet pre-September 11 priorities,
22 on the other.

23 (5) While a discrete homeland security grant
24 making process is necessary to ensure proper focus
25 on the unique aspects of terrorism preparedness, it

1 is essential that State and local strategies for uti-
2 lizing such grants be integrated, to the greatest ex-
3 tent practicable, with existing State and local emer-
4 gency management plans.

5 (6) Homeland security grants to first respond-
6 ers must be based on the best intelligence con-
7 cerning the capabilities and intentions of our ter-
8 rorist enemies, and that intelligence must be used to
9 target resources to the Nation's greatest threats,
10 vulnerabilities, and consequences.

11 (7) The Nation's first response capabilities will
12 be improved by sharing resources, training, plan-
13 ning, personnel, and equipment among neighboring
14 jurisdictions through mutual aid agreements and re-
15 gional cooperation. Such regional cooperation should
16 be supported, where appropriate, through direct
17 grants from the Department of Homeland Security.

18 (8) An essential prerequisite to achieving the
19 Nation's homeland security objectives for first re-
20 sponders is the establishment of well-defined na-
21 tional goals for terrorism preparedness. These goals
22 should delineate the essential capabilities that every
23 jurisdiction in the United States should possess or
24 to which it should have access.

1 (9) A national determination of essential capa-
2 bilities is needed to identify levels of State and local
3 government terrorism preparedness, to determine
4 the nature and extent of State and local first re-
5 sponder needs, to identify the human and financial
6 resources required to fulfill them, to direct funding
7 to meet those needs, and to measure preparedness
8 levels on a national scale.

9 (10) To facilitate progress in achieving, main-
10 taining, and enhancing essential capabilities for
11 State and local first responders, the Department of
12 Homeland Security should seek to allocate homeland
13 security funding for first responders to meet nation-
14 wide needs.

15 (11) Private sector resources and citizen volun-
16 teers can perform critical functions in assisting in
17 preventing and responding to terrorist attacks, and
18 should be integrated into State and local planning
19 efforts to ensure that their capabilities and roles are
20 understood, so as to provide enhanced State and
21 local operational capability and surge capacity.

22 (12) Public-private partnerships, such as the
23 partnerships between the Business Executives for
24 National Security and the States of New Jersey and
25 Georgia, can be useful to identify and coordinate pri-

1 vate sector support for State and local first respond-
2 ers. Such models should be expanded to cover all
3 States and territories.

4 (13) An important aspect of terrorism pre-
5 paredness is measurability, so that it is possible to
6 determine how prepared a State or local government
7 is now, and what additional steps it needs to take,
8 in order to prevent, prepare for, respond to, mitigate
9 against, and recover from acts of terrorism.

10 (14) The Department of Homeland Security
11 should establish, publish, and regularly update na-
12 tional voluntary consensus standards for both equip-
13 ment and training, in cooperation with both public
14 and private sector standard setting organizations, to
15 assist State and local governments in obtaining the
16 equipment and training to attain the essential capa-
17 bilities for first response to acts of terrorism, and to
18 ensure that first responder funds are spent wisely.

19 **SEC. 113. FASTER AND SMARTER FUNDING FOR FIRST RE-**
20 **SPONDERS.**

21 (a) IN GENERAL.—The Homeland Security Act of
22 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is
23 amended—

24 (1) in section 1(b) in the table of contents by
25 adding at the end the following:

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“Sec. 1801. Definitions.

“Sec. 1802. Faster and Smarter Funding for First Responders.

“Sec. 1803. Covered grant eligibility and criteria.

“Sec. 1804. Risk-based evaluation and prioritization.

“Sec. 1805. Task Force on Terrorism Preparedness for First Responders.

“Sec. 1806. Use of funds and accountability requirements.

“Sec. 1807. National standards for first responder equipment and training.”.

1 (2) by adding at the end the following:

2 **“TITLE XVIII—FUNDING FOR**
3 **FIRST RESPONDERS**

4 **“SEC. 1801. DEFINITIONS.**

5 “In this title:

6 “(1) BOARD.—The term ‘Board’ means the
7 First Responder Grants Board established under
8 section 1804.

9 “(2) COVERED GRANT.—The term ‘covered
10 grant’ means any grant to which this title applies
11 under section 1802.

12 “(3) DIRECTLY ELIGIBLE TRIBE.—The term
13 ‘directly eligible tribe’ means any Indian tribe or
14 consortium of Indian tribes that—

15 “(A) meets the criteria for inclusion in the
16 qualified applicant pool for Self-Governance
17 that are set forth in section 402(c) of the In-
18 dian Self-Determination and Education Assist-
19 ance Act (25 U.S.C. 458bb(c));

20 “(B) employs at least 10 full-time per-
21 sonnel in a law enforcement or emergency re-

1 sponse agency with the capacity to respond to
2 calls for law enforcement or emergency services;
3 and

4 “(C)(i) is located on, or within 5 miles of,
5 an international border or waterway;

6 “(ii) is located within 5 miles of a facility
7 designated as high-risk critical infrastructure
8 by the Secretary;

9 “(iii) is located within or contiguous to one
10 of the 50 largest metropolitan statistical areas
11 in the United States; or

12 “(iv) has more than 1,000 square miles of
13 Indian country, as that term is defined in sec-
14 tion 1151 of title 18, United States Code.

15 “(4) ELEVATIONS IN THE THREAT ALERT
16 LEVEL.—The term ‘elevations in the threat alert
17 level’ means any designation (including those that
18 are less than national in scope) that raises the
19 homeland security threat level to either the highest
20 or second highest threat level under the Homeland
21 Security Advisory System referred to in section
22 201(d)(7).

23 “(5) EMERGENCY PREPAREDNESS.—The term
24 ‘emergency preparedness’ shall have the same mean-
25 ing that term has under section 602 of the Robert

1 T. Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5195a).

3 “(6) ESSENTIAL CAPABILITIES.—The term ‘es-
4 sential capabilities’ means the levels, availability,
5 and competence of emergency personnel, planning,
6 training, and equipment across a variety of dis-
7 ciplines needed to effectively and efficiently prevent,
8 prepare for, respond to, and recover from acts of
9 terrorism consistent with established practices.

10 “(7) FIRST RESPONDER.—The term ‘first re-
11 sponder’ shall have the same meaning as the term
12 ‘emergency response provider’.

13 “(8) INDIAN TRIBE.—The term ‘Indian tribe’
14 means any Indian tribe, band, nation, or other orga-
15 nized group or community, including any Alaskan
16 Native village or regional or village corporation as
17 defined in or established pursuant to the Alaskan
18 Native Claims Settlement Act (43 U.S.C. 1601 et
19 seq.), which is recognized as eligible for the special
20 programs and services provided by the United States
21 to Indians because of their status as Indians.

22 “(9) REGION.—The term ‘region’ means—

23 “(A) any geographic area consisting of all
24 or parts of 2 or more contiguous States, coun-
25 ties, municipalities, or other local governments

1 that have a combined population of at least
2 1,650,000 or have an area of not less than
3 20,000 square miles, and that, for purposes of
4 an application for a covered grant, is rep-
5 resented by 1 or more governments or govern-
6 mental agencies within such geographic area,
7 and that is established by law or by agreement
8 of 2 or more such governments or governmental
9 agencies in a mutual aid agreement; or

10 “(B) any other combination of contiguous
11 local government units (including such a com-
12 bination established by law or agreement of two
13 or more governments or governmental agencies
14 in a mutual aid agreement) that is formally cer-
15 tified by the Secretary as a region for purposes
16 of this title with the consent of—

17 “(i) the State or States in which they
18 are located, including a multi-State entity
19 established by a compact between two or
20 more States; and

21 “(ii) the incorporated municipalities,
22 counties, and parishes that they encom-
23 pass.

1 “(10) TASK FORCE.—The term ‘Task Force’
2 means the Task Force on Terrorism Preparedness
3 for First Responders established under section 1805.

4 “(11) TERRORISM PREPAREDNESS.—The term
5 ‘terrorism preparedness’ means any activity designed
6 to improve the ability to prevent, prepare for, re-
7 spond to, mitigate against, or recover from threat-
8 ened or actual terrorist attacks.

9 **“SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RE-**
10 **SPONDERS.**

11 “(a) COVERED GRANTS.—This title applies to grants
12 provided by the Department to States, regions, or directly
13 eligible tribes for the primary purpose of improving the
14 ability of first responders to prevent, prepare for, respond
15 to, mitigate against, or recover from threatened or actual
16 terrorist attacks, especially those involving weapons of
17 mass destruction, administered under the following:

18 “(1) STATE HOMELAND SECURITY GRANT PRO-
19 GRAM.—The State Homeland Security Grant Pro-
20 gram of the Department, or any successor to such
21 grant program.

22 “(2) URBAN AREA SECURITY INITIATIVE.—The
23 Urban Area Security Initiative of the Department,
24 or any successor to such grant program.

1 “(3) LAW ENFORCEMENT TERRORISM PREVEN-
2 TION PROGRAM.—The Law Enforcement Terrorism
3 Prevention Program of the Department, or any suc-
4 cessor to such grant program.

5 “(b) EXCLUDED PROGRAMS.—This title does not
6 apply to or otherwise affect the following Federal grant
7 programs or any grant under such a program:

8 “(1) NONDEPARTMENT PROGRAMS.—Any Fed-
9 eral grant program that is not administered by the
10 Department.

11 “(2) FIRE GRANT PROGRAMS.—The fire grant
12 programs authorized by sections 33 and 34 of the
13 Federal Fire Prevention and Control Act of 1974
14 (15 U.S.C. 2229, 2229a).

15 “(3) EMERGENCY MANAGEMENT PLANNING
16 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-
17 gency Management Performance Grant program and
18 the Urban Search and Rescue Grants program au-
19 thorized by title VI of the Robert T. Stafford Dis-
20 aster Relief and Emergency Assistance Act (42
21 U.S.C. 5195 et seq.); the Departments of Veterans
22 Affairs and Housing and Urban Development, and
23 Independent Agencies Appropriations Act, 2000
24 (113 Stat. 1047 et seq.); and the Earthquake Haz-

1 ards Reduction Act of 1977 (42 U.S.C. 7701 et
2 seq.).

3 **“SEC. 1803. COVERED GRANT ELIGIBILITY AND CRITERIA.**

4 “(a) GRANT ELIGIBILITY.—Any State, region, or di-
5 rectly eligible tribe shall be eligible to apply for a covered
6 grant.

7 “(b) GRANT CRITERIA.—The Secretary shall award
8 covered grants to assist States and local governments in
9 achieving, maintaining, and enhancing the essential capa-
10 bilities for terrorism preparedness established by the Sec-
11 retary.

12 “(c) STATE HOMELAND SECURITY PLANS.—

13 “(1) SUBMISSION OF PLANS.—The Secretary
14 shall require that any State applying to the Sec-
15 retary for a covered grant must submit to the Sec-
16 retary a 3-year State homeland security plan that—

17 “(A) describes the essential capabilities
18 that communities within the State should pos-
19 sess, or to which they should have access, based
20 upon the terrorism risk factors relevant to such
21 communities, in order to meet the Department’s
22 goals for terrorism preparedness;

23 “(B) demonstrates the extent to which the
24 State has achieved the essential capabilities
25 that apply to the State;

1 “(C) demonstrates the needs of the State
2 necessary to achieve, maintain, or enhance the
3 essential capabilities that apply to the State;

4 “(D) includes a prioritization of such needs
5 based on threat, vulnerability, and consequence
6 assessment factors applicable to the State;

7 “(E) describes how the State intends—

8 “(i) to address such needs at the city,
9 county, regional, tribal, State, and inter-
10 state level, including a precise description
11 of any regional structure the State has es-
12 tablished for the purpose of organizing
13 homeland security preparedness activities
14 funded by covered grants;

15 “(ii) to use all Federal, State, and
16 local resources available for the purpose of
17 addressing such needs; and

18 “(iii) to give particular emphasis to
19 regional planning and cooperation, includ-
20 ing the activities of multijurisdictional
21 planning agencies governed by local offi-
22 cials, both within its jurisdictional borders
23 and with neighboring States;

24 “(F) with respect to the emergency pre-
25 paredness of first responders, addresses the

1 unique aspects of terrorism as part of a com-
2 prehensive State emergency management plan;
3 and

4 “(G) provides for coordination of response
5 and recovery efforts at the local level, including
6 procedures for effective incident command in
7 conformance with the National Incident Man-
8 agement System.

9 “(2) CONSULTATION.—The State plan sub-
10 mitted under paragraph (1) shall be developed in
11 consultation with and subject to appropriate com-
12 ment by local governments and first responders
13 within the State.

14 “(3) APPROVAL BY SECRETARY.—The Sec-
15 retary may not award any covered grant to a State
16 unless the Secretary has approved the applicable
17 State homeland security plan.

18 “(4) REVISIONS.—A State may revise the appli-
19 cable State homeland security plan approved by the
20 Secretary under this subsection, subject to approval
21 of the revision by the Secretary.

22 “(d) CONSISTENCY WITH STATE PLANS.—The Sec-
23 retary shall ensure that each covered grant is used to sup-
24 plement and support, in a consistent and coordinated

1 manner, the applicable State homeland security plan or
2 plans.

3 “(e) APPLICATION FOR GRANT.—

4 “(1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, any State, region, or di-
6 rectly eligible tribe may apply for a covered grant by
7 submitting to the Secretary an application at such
8 time, in such manner, and containing such informa-
9 tion as is required under this subsection, or as the
10 Secretary may reasonably require.

11 “(2) DEADLINES FOR APPLICATIONS AND
12 AWARDS.—All applications for covered grants must
13 be submitted at such time as the Secretary may rea-
14 sonably require for the fiscal year for which they are
15 submitted. The Secretary shall award covered grants
16 pursuant to all approved applications for such fiscal
17 year as soon as practicable, but not later than
18 March 1 of such year.

19 “(3) AVAILABILITY OF FUNDS.—All funds
20 awarded by the Secretary under covered grants in a
21 fiscal year shall be available for obligation through
22 the end of the subsequent fiscal year.

23 “(4) MINIMUM CONTENTS OF APPLICATION.—
24 The Secretary shall require that each applicant in-
25 clude in its application, at a minimum—

1 “(A) the purpose for which the applicant
2 seeks covered grant funds and the reasons why
3 the applicant needs the covered grant to meet
4 the essential capabilities for terrorism prepared-
5 ness within the State, region, or directly eligible
6 tribe to which the application pertains;

7 “(B) a description of how, by reference to
8 the applicable State homeland security plan or
9 plans under subsection (c), the allocation of
10 grant funding proposed in the application, in-
11 cluding, where applicable, the amount not
12 passed through under section 1806(g)(1), would
13 assist in fulfilling the essential capabilities for
14 terrorism preparedness specified in such plan or
15 plans;

16 “(C) a statement of whether a mutual aid
17 agreement applies to the use of all or any por-
18 tion of the covered grant funds;

19 “(D) if the applicant is a State, a descrip-
20 tion of how the State plans to allocate the cov-
21 ered grant funds to regions, local governments,
22 and Indian tribes;

23 “(E) if the applicant is a region—

24 “(i) a precise geographical description
25 of the region and a specification of all par-

1 participating and nonparticipating local gov-
2 ernments within the geographical area
3 comprising that region;

4 “(ii) a specification of what govern-
5 mental entity within the region will admin-
6 ister the expenditure of funds under the
7 covered grant; and

8 “(iii) a designation of a specific indi-
9 vidual to serve as regional liaison;

10 “(F) a capital budget showing how the ap-
11 plicant intends to allocate and expend the cov-
12 ered grant funds;

13 “(G) if the applicant is a directly eligible
14 tribe, a designation of a specific individual to
15 serve as the tribal liaison; and

16 “(H) a statement of how the applicant in-
17 tends to meet the matching requirement, if any,
18 that applies under section 1806(g)(2).

19 “(5) REGIONAL APPLICATIONS.—

20 “(A) RELATIONSHIP TO STATE APPLICA-
21 TIONS.—A regional application—

22 “(i) shall be coordinated with an ap-
23 plication submitted by the State or States
24 of which such region is a part;

1 “(ii) shall supplement and avoid dupli-
2 cation with such State application; and

3 “(iii) shall address the unique regional
4 aspects of such region’s terrorism pre-
5 paredness needs beyond those provided for
6 in the application of such State or States.

7 “(B) STATE REVIEW AND SUBMISSION.—

8 To ensure the consistency required under sub-
9 section (d) and the coordination required under
10 subparagraph (A) of this paragraph, an appli-
11 cant that is a region must submit its applica-
12 tion to each State of which any part is included
13 in the region for review and concurrence prior
14 to the submission of such application to the
15 Secretary. The regional application shall be
16 transmitted to the Secretary through each such
17 State within 30 days of its receipt, unless the
18 Governor of such a State notifies the Secretary,
19 in writing, that such regional application is in-
20 consistent with the State’s homeland security
21 plan and provides an explanation of the reasons
22 therefor.

23 “(C) DISTRIBUTION OF REGIONAL
24 AWARDS.—If the Secretary approves a regional
25 application, then the Secretary shall distribute

1 a regional award to the State or States submit-
2 ting the applicable regional application under
3 subparagraph (B), and each such State shall,
4 not later than the end of the 45-day period be-
5 ginning on the date after receiving a regional
6 award, pass through to the region all covered
7 grant funds or resources purchased with such
8 funds, except those funds necessary for the
9 State to carry out its responsibilities with re-
10 spect to such regional application: *Provided*,
11 That in no such case shall the State or States
12 pass through to the region less than 80 percent
13 of the regional award.

14 “(D) CERTIFICATIONS REGARDING DIS-
15 TRIBUTION OF GRANT FUNDS TO REGIONS.—
16 Any State that receives a regional award under
17 subparagraph (C) shall certify to the Secretary,
18 by not later than 30 days after the expiration
19 of the period described in subparagraph (C)
20 with respect to the grant, that the State has
21 made available to the region the required funds
22 and resources in accordance with subparagraph
23 (C).

24 “(E) DIRECT PAYMENTS TO REGIONS.—If
25 any State fails to pass through a regional

1 award to a region as required by subparagraph
2 (C) within 45 days after receiving such award
3 and does not request or receive an extension of
4 such period under section 1806(h)(2), the re-
5 gion may petition the Secretary to receive di-
6 rectly the portion of the regional award that is
7 required to be passed through to such region
8 under subparagraph (C).

9 “(F) REGIONAL LIAISONS.—A regional li-
10 aision designated under paragraph (4)(E)(iii)
11 shall—

12 “(i) coordinate with Federal, State,
13 local, regional, and private officials within
14 the region concerning terrorism prepared-
15 ness;

16 “(ii) develop a process for receiving
17 input from Federal, State, local, regional,
18 and private sector officials within the re-
19 gion to assist in the development of the re-
20 gional application and to improve the re-
21 gion’s access to covered grants; and

22 “(iii) administer, in consultation with
23 State, local, regional, and private officials
24 within the region, covered grants awarded
25 to the region.

1 “(6) TRIBAL APPLICATIONS.—

2 “(A) SUBMISSION TO THE STATE OR
3 STATES.—To ensure the consistency required
4 under subsection (d), an applicant that is a di-
5 rectly eligible tribe must submit its application
6 to each State within the boundaries of which
7 any part of such tribe is located for direct sub-
8 mission to the Department along with the appli-
9 cation of such State or States.

10 “(B) OPPORTUNITY FOR STATE COM-
11 MENT.—Before awarding any covered grant to
12 a directly eligible tribe, the Secretary shall pro-
13 vide an opportunity to each State within the
14 boundaries of which any part of such tribe is lo-
15 cated to comment to the Secretary on the con-
16 sistency of the tribe’s application with the
17 State’s homeland security plan. Any such com-
18 ments shall be submitted to the Secretary con-
19 currently with the submission of the State and
20 tribal applications.

21 “(C) FINAL AUTHORITY.—The Secretary
22 shall have final authority to determine the con-
23 sistency of any application of a directly eligible
24 tribe with the applicable State homeland secu-
25 rity plan or plans, and to approve any applica-

1 tion of such tribe. The Secretary shall notify
2 each State within the boundaries of which any
3 part of such tribe is located of the approval of
4 an application by such tribe.

5 “(D) TRIBAL LIAISON.—A tribal liaison
6 designated under paragraph (4)(G) shall—

7 “(i) coordinate with Federal, State,
8 local, regional, and private officials con-
9 cerning terrorism preparedness;

10 “(ii) develop a process for receiving
11 input from Federal, State, local, regional,
12 and private sector officials to assist in the
13 development of the application of such
14 tribe and to improve the tribe’s access to
15 covered grants; and

16 “(iii) administer, in consultation with
17 State, local, regional, and private officials,
18 covered grants awarded to such tribe.

19 “(E) LIMITATION ON THE NUMBER OF DI-
20 RECT GRANTS.—The Secretary may make cov-
21 ered grants directly to not more than 20 di-
22 rectly eligible tribes per fiscal year.

23 “(F) TRIBES NOT RECEIVING DIRECT
24 GRANTS.—An Indian tribe that does not receive
25 a grant directly under this section is eligible to

1 receive funds under a covered grant from the
2 State or States within the boundaries of which
3 any part of such tribe is located, consistent with
4 the homeland security plan of the State as de-
5 scribed in subsection (c). If a State fails to
6 comply with section 1806(g)(1), the tribe may
7 request payment under section 1806(h)(3) in
8 the same manner as a local government.

9 “(7) EQUIPMENT STANDARDS.—If an applicant
10 for a covered grant proposes to upgrade or purchase,
11 with assistance provided under the grant, new equip-
12 ment or systems that do not meet or exceed any ap-
13 plicable national voluntary consensus standards es-
14 tablished by the Secretary, the applicant shall in-
15 clude in the application an explanation of why such
16 equipment or systems will serve the needs of the ap-
17 plicant better than equipment or systems that meet
18 or exceed such standards.

19 **“SEC. 1804. RISK-BASED EVALUATION AND**
20 **PRIORITIZATION.**

21 “(a) FIRST RESPONDER GRANTS BOARD.—

22 “(1) ESTABLISHMENT OF BOARD.—The Sec-
23 retary shall establish a First Responder Grants
24 Board, consisting of—

25 “(A) the Secretary;

1 “(B) the Under Secretary for Emergency
2 Preparedness and Response;

3 “(C) the Under Secretary for Border and
4 Transportation Security;

5 “(D) the Under Secretary for Information
6 Analysis and Infrastructure Protection;

7 “(E) the Under Secretary for Science and
8 Technology;

9 “(F) the Director of the Office for Domes-
10 tic Preparedness;

11 “(G) the Administrator of the United
12 States Fire Administration; and

13 “(H) the Administrator of the Animal and
14 Plant Health Inspection Service.

15 “(2) CHAIRMAN.—

16 “(A) IN GENERAL.—The Secretary shall be
17 the Chairman of the Board.

18 “(B) EXERCISE OF AUTHORITIES BY DEP-
19 UTY SECRETARY.—The Deputy Secretary of
20 Homeland Security may exercise the authorities
21 of the Chairman, if the Secretary so directs.

22 “(b) FUNCTIONS OF UNDER SECRETARIES.—The
23 Under Secretaries referred to in subsection (a)(1) shall
24 seek to ensure that the relevant expertise and input of the

1 staff of their directorates are available to and considered
2 by the Board.

3 “(c) PRIORITIZATION OF GRANT APPLICATIONS.—

4 “(1) FACTORS TO BE CONSIDERED.—The
5 Board shall evaluate and annually prioritize all
6 pending applications for covered grants based upon
7 the degree to which they would, by achieving, main-
8 taining, or enhancing the essential capabilities of the
9 applicants on a nationwide basis, lessen the threat
10 to, vulnerability of, and consequences for persons
11 (including transient commuting and tourist popu-
12 lations) and critical infrastructure. Such evaluation
13 and prioritization shall be based upon the most cur-
14 rent risk assessment available by the Directorate for
15 Information Analysis and Infrastructure Protection
16 of the threats of terrorism against the United
17 States. The Board shall coordinate with State, local,
18 regional, and tribal officials in establishing criteria
19 for evaluating and prioritizing applications for cov-
20 ered grants.

21 “(2) CRITICAL INFRASTRUCTURE SECTORS.—

22 The Board specifically shall consider threats of ter-
23 rorism against the following critical infrastructure
24 sectors in all areas of the United States, urban and
25 rural:

- 1 “(A) Agriculture and food.
- 2 “(B) Banking and finance.
- 3 “(C) Chemical industries.
- 4 “(D) The defense industrial base.
- 5 “(E) Emergency services.
- 6 “(F) Energy.
- 7 “(G) Government facilities.
- 8 “(H) Postal and shipping.
- 9 “(I) Public health and health care.
- 10 “(J) Information technology.
- 11 “(K) Telecommunications.
- 12 “(L) Transportation systems.
- 13 “(M) Water.
- 14 “(N) Dams.
- 15 “(O) Commercial facilities.
- 16 “(P) National monuments and icons.

17 The order in which the critical infrastructure sectors
18 are listed in this paragraph shall not be construed
19 as an order of priority for consideration of the im-
20 portance of such sectors.

21 “(3) TYPES OF THREAT.—The Board specifi-
22 cally shall consider the following types of threat to
23 the critical infrastructure sectors described in para-
24 graph (2), and to populations in all areas of the
25 United States, urban and rural:

1 “(A) Biological threats.

2 “(B) Nuclear threats.

3 “(C) Radiological threats.

4 “(D) Incendiary threats.

5 “(E) Chemical threats.

6 “(F) Explosives.

7 “(G) Suicide bombers.

8 “(H) Cyber threats.

9 “(I) Any other threats based on proximity
10 to specific past acts of terrorism or the known
11 activity of any terrorist group.

12 The order in which the types of threat are listed in
13 this paragraph shall not be construed as an order of
14 priority for consideration of the importance of such
15 threats.

16 “(4) CONSIDERATION OF ADDITIONAL FAC-
17 TORS.—The Board shall take into account any other
18 specific threat to a population (including a transient
19 commuting or tourist population) or critical infra-
20 structure sector that the Board has determined to
21 exist. In evaluating the threat to a population or
22 critical infrastructure sector, the Board shall give
23 greater weight to threats of terrorism based upon
24 their specificity and credibility, including any pat-
25 tern of repetition.

1 “(5) MINIMUM AMOUNTS.—After evaluating
2 and prioritizing grant applications under paragraph
3 (1), the Board shall ensure that, for each fiscal
4 year—

5 “(A) each of the States, other than the
6 Virgin Islands, American Samoa, Guam, and
7 the Northern Mariana Islands, that has an ap-
8 proved State homeland security plan receives no
9 less than 0.25 percent of the funds available for
10 covered grants for that fiscal year for purposes
11 of implementing its homeland security plan in
12 accordance with the prioritization of needs
13 under section 1803(c)(1)(D);

14 “(B) each of the States, other than the
15 Virgin Islands, American Samoa, Guam, and
16 the Northern Mariana Islands, that has an ap-
17 proved State homeland security plan and that
18 meets one or both of the additional high-risk
19 qualifying criteria under paragraph (6) receives
20 no less than 0.45 percent of the funds available
21 for covered grants for that fiscal year for pur-
22 poses of implementing its homeland security
23 plan in accordance with the prioritization of
24 needs under section 1803(c)(1)(D);

1 “(C) the Virgin Islands, American Samoa,
2 Guam, and the Northern Mariana Islands each
3 receives no less than 0.08 percent of the funds
4 available for covered grants for that fiscal year
5 for purposes of implementing its approved State
6 homeland security plan in accordance with the
7 prioritization of needs under section
8 1803(c)(1)(D); and

9 “(D) directly eligible tribes collectively re-
10 ceive no less than 0.08 percent of the funds
11 available for covered grants for such fiscal year
12 for purposes of addressing the needs identified
13 in the applications of such tribes, consistent
14 with the homeland security plan of each State
15 within the boundaries of which any part of any
16 such tribe is located, except that this clause
17 shall not apply with respect to funds available
18 for a fiscal year if the Secretary receives less
19 than 5 applications for such fiscal year from
20 such tribes under section 1803(e)(6)(A) or does
21 not approve at least one such application.

22 “(6) ADDITIONAL HIGH-RISK QUALIFYING CRI-
23 TERIA.—For purposes of paragraph (5)(B), addi-
24 tional high-risk qualifying criteria consist of—

1 “(A) having a significant international
2 land border; or

3 “(B) adjoining a body of water within
4 North America through which an international
5 boundary line extends.

6 “(d) EFFECT OF REGIONAL AWARDS ON STATE MIN-
7 IMUM.—Any regional award, or portion thereof, provided
8 to a State under section 1803(e)(5)(C) shall not be consid-
9 ered in calculating the minimum State award under sub-
10 section (c)(5) of this section.

11 **“SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS**
12 **FOR FIRST RESPONDERS.**

13 “(a) ESTABLISHMENT.—To assist the Secretary in
14 updating, revising, or replacing essential capabilities for
15 terrorism preparedness, the Secretary shall establish an
16 advisory body pursuant to section 871(a) not later than
17 60 days after the date of the enactment of this section,
18 which shall be known as the Task Force on Terrorism Pre-
19 paredness for First Responders.

20 “(b) UPDATE, REVISE, OR REPLACE.—The Secretary
21 shall regularly update, revise, or replace the essential ca-
22 pabilities for terrorism preparedness as necessary, but not
23 less than every 3 years.

24 “(c) REPORT.—

1 “(1) IN GENERAL.—The Task Force shall sub-
2 mit to the Secretary, by not later than 12 months
3 after its establishment by the Secretary under sub-
4 section (a) and not later than every 2 years there-
5 after, a report on its recommendations for essential
6 capabilities for terrorism preparedness.

7 “(2) CONTENTS.—Each report shall—

8 “(A) include a priority ranking of essential
9 capabilities in order to provide guidance to the
10 Secretary and to the Congress on determining
11 the appropriate allocation of, and funding levels
12 for, first responder needs;

13 “(B) set forth a methodology by which any
14 State or local government will be able to deter-
15 mine the extent to which it possesses or has ac-
16 cess to the essential capabilities that States and
17 local governments having similar risks should
18 obtain;

19 “(C) describe the availability of national
20 voluntary consensus standards, and whether
21 there is a need for new national voluntary con-
22 sensus standards, with respect to first re-
23 sponder training and equipment;

24 “(D) include such additional matters as
25 the Secretary may specify in order to further

1 the terrorism preparedness capabilities of first
2 responders; and

3 “(E) include such revisions to the contents
4 of previous reports as are necessary to take into
5 account changes in the most current risk as-
6 sessment available by the Directorate for Infor-
7 mation Analysis and Infrastructure Protection
8 or other relevant information as determined by
9 the Secretary.

10 “(3) CONSISTENCY WITH FEDERAL WORKING
11 GROUP.—The Task Force shall ensure that its rec-
12 ommendations for essential capabilities for terrorism
13 preparedness are, to the extent feasible, consistent
14 with any preparedness goals or recommendations of
15 the Federal working group established under section
16 319F(a) of the Public Health Service Act (42 U.S.C.
17 247d–6(a)).

18 “(4) COMPREHENSIVENESS.—The Task Force
19 shall ensure that its recommendations regarding es-
20 sential capabilities for terrorism preparedness are
21 made within the context of a comprehensive State
22 emergency management system.

23 “(5) PRIOR MEASURES.—The Task Force shall
24 ensure that its recommendations regarding essential
25 capabilities for terrorism preparedness take into ac-

1 count any capabilities that State or local officials
2 have determined to be essential and have undertaken
3 since September 11, 2001, to prevent, prepare for,
4 respond to, or recover from terrorist attacks.

5 “(d) MEMBERSHIP.—

6 “(1) IN GENERAL.—The Task Force shall con-
7 sist of 25 members appointed by the Secretary, and
8 shall, to the extent practicable, represent a geo-
9 graphic (including urban and rural) and substantive
10 cross section of governmental and nongovernmental
11 first responder disciplines from the State and local
12 levels, including as appropriate—

13 “(A) members selected from the emergency
14 response field, including fire service and law en-
15 forcement, hazardous materials response, emer-
16 gency medical services, and emergency manage-
17 ment personnel (including public works per-
18 sonnel routinely engaged in emergency re-
19 sponse);

20 “(B) health scientists, emergency and in-
21 patient medical providers, and public health
22 professionals, including experts in emergency
23 health care response to chemical, biological, ra-
24 diological, and nuclear terrorism, and experts in

1 providing mental health care during emergency
2 response operations;

3 “(C) experts from Federal, State, and local
4 governments, and the private sector, rep-
5 resenting standards-setting organizations, in-
6 cluding representation from the voluntary con-
7 sensus codes and standards development com-
8 munity, particularly those with expertise in first
9 responder disciplines; and

10 “(D) State and local officials with exper-
11 tise in terrorism preparedness, subject to the
12 condition that if any such official is an elected
13 official representing one of the two major polit-
14 ical parties, an equal number of elected officials
15 shall be selected from each such party.

16 “(2) COORDINATION WITH THE DEPARTMENT
17 OF HEALTH AND HEALTH SERVICES.—In the selec-
18 tion of members of the Task Force who are health
19 professionals, including emergency medical profes-
20 sionals, the Secretary shall coordinate such selection
21 with the Secretary of Health and Human Services.

22 “(3) EX OFFICIO MEMBERS.—The Secretary
23 and the Secretary of Health and Human Services
24 shall each designate one or more officers of their re-
25 spective Departments to serve as ex officio members

1 of the Task Force. One of the ex officio members
2 from the Department of Homeland Security shall be
3 the designated officer of the Federal Government for
4 purposes of subsection (e) of section 10 of the Fed-
5 eral Advisory Committee Act (5 App. U.S.C.).

6 “(e) **APPLICABILITY OF FEDERAL ADVISORY COM-**
7 **MITTEE ACT.**—Notwithstanding section 871(a), the Fed-
8 eral Advisory Committee Act (5 App. U.S.C.), including
9 subsections (a), (b), and (d) of section 10 of such Act,
10 and section 552b(c) of title 5, United States Code, shall
11 apply to the Task Force.

12 **“SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY RE-**
13 **QUIREMENTS.**

14 “(a) **IN GENERAL.**—A covered grant may be used
15 for—

16 “(1) purchasing or upgrading equipment, in-
17 cluding computer software, to enhance terrorism
18 preparedness;

19 “(2) exercises to strengthen terrorism prepared-
20 ness;

21 “(3) training for prevention (including detec-
22 tion) of, preparedness for, response to, or recovery
23 from attacks involving weapons of mass destruction,
24 including training in the use of equipment and com-
25 puter software;

1 “(4) developing or updating State homeland se-
2 curity plans, risk assessments, mutual aid agree-
3 ments, and emergency management plans to enhance
4 terrorism preparedness;

5 “(5) establishing or enhancing mechanisms for
6 sharing terrorism threat information;

7 “(6) systems architecture and engineering, pro-
8 gram planning and management, strategy formula-
9 tion and strategic planning, life-cycle systems de-
10 sign, product and technology evaluation, and proto-
11 type development for terrorism preparedness pur-
12 poses;

13 “(7) additional personnel costs resulting from—

14 “(A) elevations in the threat alert level of
15 the Homeland Security Advisory System by the
16 Secretary, or a similar elevation in threat alert
17 level issued by a State, region, or local govern-
18 ment with the approval of the Secretary;

19 “(B) travel to and participation in exer-
20 cises and training in the use of equipment and
21 on prevention activities; and

22 “(C) the temporary replacement of per-
23 sonnel during any period of travel to and par-
24 ticipation in exercises and training in the use of
25 equipment and on prevention activities;

1 “(8) the costs of equipment (including software)
2 required to receive, transmit, handle, and store clas-
3 sified information;

4 “(9) protecting critical infrastructure against
5 potential attack by the addition of barriers, fences,
6 gates, and other such devices, except that the cost
7 of such measures may not exceed the greater of—

8 “(A) \$1,000,000 per project; or

9 “(B) such greater amount as may be ap-
10 proved by the Secretary, which may not exceed
11 10 percent of the total amount of the covered
12 grant;

13 “(10) the costs of commercially available inter-
14 operable communications equipment (which, where
15 applicable, is based on national, voluntary consensus
16 standards) that the Secretary, in consultation with
17 the Chairman of the Federal Communications Com-
18 mission, deems best suited to facilitate interoper-
19 ability, coordination, and integration between and
20 among emergency communications systems, and that
21 complies with prevailing grant guidance of the De-
22 partment for interoperable communications;

23 “(11) educational curricula development for
24 first responders to ensure that they are prepared for
25 terrorist attacks;

1 “(12) training and exercises to assist public ele-
2 mentary and secondary schools in developing and
3 implementing programs to instruct students regard-
4 ing age-appropriate skills to prevent, prepare for, re-
5 spond to, mitigate against, or recover from an act of
6 terrorism;

7 “(13) paying of administrative expenses directly
8 related to administration of the grant, except that
9 such expenses may not exceed 3 percent of the
10 amount of the grant;

11 “(14) paying for the conduct of any activity
12 permitted under the Law Enforcement Terrorism
13 Prevention Program, or any such successor to such
14 program; and

15 “(15) other appropriate activities as determined
16 by the Secretary.

17 “(b) PROHIBITED USES.—Funds provided as a cov-
18 ered grant may not be used—

19 “(1) to supplant State or local funds;

20 “(2) to construct buildings or other physical fa-
21 cilities;

22 “(3) to acquire land; or

23 “(4) for any State or local government cost
24 sharing contribution.

1 “(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this
2 section shall be construed to preclude State and local gov-
3 ernments from using covered grant funds in a manner
4 that also enhances first responder preparedness for emer-
5 gencies and disasters unrelated to acts of terrorism, if
6 such use assists such governments in achieving essential
7 capabilities for terrorism preparedness established by the
8 Secretary.

9 “(d) REIMBURSEMENT OF COSTS.—(1) In addition
10 to the activities described in subsection (a), a covered
11 grant may be used to provide a reasonable stipend to paid-
12 on-call or volunteer first responders who are not otherwise
13 compensated for travel to or participation in training cov-
14 ered by this section. Any such reimbursement shall not
15 be considered compensation for purposes of rendering
16 such a first responder an employee under the Fair Labor
17 Standards Act of 1938 (29 U.S.C. 201 et seq.).

18 “(2) An applicant for a covered grant may petition
19 the Secretary for the reimbursement of the cost of any
20 activity relating to prevention (including detection) of, pre-
21 paredness for, response to, or recovery from acts of ter-
22 rorism that is a Federal duty and usually performed by
23 a Federal agency, and that is being performed by a State
24 or local government (or both) under agreement with a
25 Federal agency.

1 “(e) ASSISTANCE REQUIREMENT.—The Secretary
2 may not require that equipment paid for, wholly or in part,
3 with funds provided as a covered grant be made available
4 for responding to emergencies in surrounding States, re-
5 gions, and localities, unless the Secretary undertakes to
6 pay the costs directly attributable to transporting and op-
7 erating such equipment during such response.

8 “(f) FLEXIBILITY IN UNSPENT HOMELAND SECU-
9 RITY GRANT FUNDS.—Upon request by the recipient of
10 a covered grant, the Secretary may authorize the grantee
11 to transfer all or part of funds provided as the covered
12 grant from uses specified in the grant agreement to other
13 uses authorized under this section, if the Secretary deter-
14 mines that such transfer is in the interests of homeland
15 security.

16 “(g) STATE, REGIONAL, AND TRIBAL RESPONSIBIL-
17 ITIES.—

18 “(1) PASS-THROUGH.—The Secretary shall re-
19 quire a recipient of a covered grant that is a State
20 to obligate or otherwise make available to local gov-
21 ernments, first responders, and other local groups,
22 to the extent required under the State homeland se-
23 curity plan or plans specified in the application for
24 the grant, not less than 80 percent of the grant
25 funds, resources purchased with the grant funds

1 having a value equal to at least 80 percent of the
2 amount of the grant, or a combination thereof, by
3 not later than the end of the 45-day period begin-
4 ning on the date the grant recipient receives the
5 grant funds.

6 “(2) COST SHARING.—

7 “(A) IN GENERAL.—The Federal share of
8 the costs of an activity carried out with a cov-
9 ered grant to a State, region, or directly eligible
10 tribe awarded after the 2-year period beginning
11 on the date of the enactment of this section
12 shall not exceed 75 percent.

13 “(B) INTERIM RULE.—The Federal share
14 of the costs of an activity carried out with a
15 covered grant awarded before the end of the 2-
16 year period beginning on the date of the enact-
17 ment of this section shall be 100 percent.

18 “(C) IN-KIND MATCHING.—Each recipient
19 of a covered grant may meet the matching re-
20 quirement under subparagraph (A) by making
21 in-kind contributions of goods or services that
22 are directly linked with the purpose for which
23 the grant is made, including, but not limited to,
24 any necessary personnel overtime, contractor

1 services, administrative costs, equipment fuel
2 and maintenance, and rental space.

3 “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—
4 Any State that receives a covered grant shall certify
5 to the Secretary, by not later than 30 days after the
6 expiration of the period described in paragraph (1)
7 with respect to the grant, that the State has made
8 available for expenditure by local governments, first
9 responders, and other local groups the required
10 amount of grant funds pursuant to paragraph (1).
11

12 “(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in
13 paragraph (2)(A) may be increased by up to 2 per-
14 cent for any State, region, or directly eligible tribe
15 that, not later than 30 days after the end of each
16 fiscal quarter, submits to the Secretary a report on
17 that fiscal quarter. Each such report must include,
18 for each recipient of a covered grant or a pass-
19 through under paragraph (1)—
20

21 “(A) the amount obligated to that recipient
22 in that quarter;

23 “(B) the amount expended by that recipi-
24 ent in that quarter; and

1 “(C) a summary description of the items
2 purchased by such recipient with such amount.

3 “(5) ANNUAL REPORT ON HOMELAND SECUR-
4 RITY SPENDING.—Each recipient of a covered grant
5 shall submit an annual report to the Secretary not
6 later than 60 days after the end of each Federal fis-
7 cal year. Each recipient of a covered grant that is
8 a region must simultaneously submit its report to
9 each State of which any part is included in the re-
10 gion. Each recipient of a covered grant that is a di-
11 rectly eligible tribe must simultaneously submit its
12 report to each State within the boundaries of which
13 any part of such tribe is located. Each report must
14 include the following:

15 “(A) The amount, ultimate recipients, and
16 dates of receipt of all funds received under the
17 grant during the previous fiscal year.

18 “(B) The amount and the dates of dis-
19 bursements of all such funds expended in com-
20 pliance with paragraph (1) or pursuant to mu-
21 tual aid agreements or other sharing arrange-
22 ments that apply within the State, region, or di-
23 rectly eligible tribe, as applicable, during the
24 previous fiscal year.

1 “(C) How the funds were utilized by each
2 ultimate recipient or beneficiary during the pre-
3 ceding fiscal year.

4 “(D) The extent to which essential capa-
5 bilities identified in the applicable State home-
6 land security plan or plans were achieved, main-
7 tained, or enhanced as the result of the expend-
8 iture of grant funds during the preceding fiscal
9 year.

10 “(E) The extent to which essential capa-
11 bilities identified in the applicable State home-
12 land security plan or plans remain unmet.

13 “(6) INCLUSION OF RESTRICTED ANNEXES.—A
14 recipient of a covered grant may submit to the Sec-
15 retary an annex to the annual report under para-
16 graph (5) that is subject to appropriate handling re-
17 strictions, if the recipient believes that discussion in
18 the report of unmet needs would reveal sensitive but
19 unclassified information.

20 “(7) PROVISION OF REPORTS.—The Secretary
21 shall ensure that each annual report under para-
22 graph (5) is provided to the Under Secretary for
23 Emergency Preparedness and Response and the Di-
24 rector of the Office for Domestic Preparedness.

1 “(h) INCENTIVES TO EFFICIENT ADMINISTRATION
2 OF HOMELAND SECURITY GRANTS.—

3 “(1) PENALTIES FOR DELAY IN PASSING
4 THROUGH LOCAL SHARE.—If a recipient of a cov-
5 ered grant that is a State fails to pass through to
6 local governments, first responders, and other local
7 groups funds or resources required by subsection
8 (g)(1) within 45 days after receiving funds under
9 the grant, the Secretary may—

10 “(A) reduce grant payments to the grant
11 recipient from the portion of grant funds that
12 is not required to be passed through under sub-
13 section (g)(1);

14 “(B) terminate payment of funds under
15 the grant to the recipient, and transfer the ap-
16 propriate portion of those funds directly to local
17 first responders that were intended to receive
18 funding under that grant; or

19 “(C) impose additional restrictions or bur-
20 dens on the recipient’s use of funds under the
21 grant, which may include—

22 “(i) prohibiting use of such funds to
23 pay the grant recipient’s grant-related
24 overtime or other expenses;

1 “(ii) requiring the grant recipient to
2 distribute to local government beneficiaries
3 all or a portion of grant funds that are not
4 required to be passed through under sub-
5 section (g)(1); or

6 “(iii) for each day that the grant re-
7 cipient fails to pass through funds or re-
8 sources in accordance with subsection
9 (g)(1), reducing grant payments to the
10 grant recipient from the portion of grant
11 funds that is not required to be passed
12 through under subsection (g)(1), except
13 that the total amount of such reduction
14 may not exceed 20 percent of the total
15 amount of the grant.

16 “(2) EXTENSION OF PERIOD.—The Governor of
17 a State may request in writing that the Secretary
18 extend the 45-day period under section
19 1803(e)(5)(E) or paragraph (1) for an additional
20 15-day period. The Secretary may approve such a
21 request, and may extend such period for additional
22 15-day periods, if the Secretary determines that the
23 resulting delay in providing grant funding to the
24 local government entities that will receive funding
25 under the grant will not have a significant detri-

1 mental impact on such entities’ terrorism prepared-
2 ness efforts.

3 “(3) PROVISION OF NON-LOCAL SHARE TO
4 LOCAL GOVERNMENT.—

5 “(A) IN GENERAL.—The Secretary may
6 upon request by a local government pay to the
7 local government a portion of the amount of a
8 covered grant awarded to a State in which the
9 local government is located, if—

10 “(i) the local government will use the
11 amount paid to expedite planned enhance-
12 ments to its terrorism preparedness as de-
13 scribed in any applicable State homeland
14 security plan or plans;

15 “(ii) the State has failed to pass
16 through funds or resources in accordance
17 with subsection (g)(1); and

18 “(iii) the local government complies
19 with subparagraphs (B) and (C).

20 “(B) SHOWING REQUIRED.—To receive a
21 payment under this paragraph, a local govern-
22 ment must demonstrate that—

23 “(i) it is identified explicitly as an ul-
24 timate recipient or intended beneficiary in
25 the approved grant application;

1 “(ii) it was intended by the grantee to
2 receive a severable portion of the overall
3 grant for a specific purpose that is identi-
4 fied in the grant application;

5 “(iii) it petitioned the grantee for the
6 funds or resources after expiration of the
7 period within which the funds or resources
8 were required to be passed through under
9 subsection (g)(1); and

10 “(iv) it did not receive the portion of
11 the overall grant that was earmarked or
12 designated for its use or benefit.

13 “(C) EFFECT OF PAYMENT.—Payment of
14 grant funds to a local government under this
15 paragraph—

16 “(i) shall not affect any payment to
17 another local government under this para-
18 graph; and

19 “(ii) shall not prejudice consideration
20 of a request for payment under this para-
21 graph that is submitted by another local
22 government.

23 “(D) DEADLINE FOR ACTION BY SEC-
24 RETARY.—The Secretary shall approve or dis-
25 approve each request for payment under this

1 paragraph by not later than 15 days after the
2 date the request is received by the Department.

3 “(i) REPORTS TO CONGRESS.—The Secretary shall
4 submit an annual report to the Congress by January 31
5 of each year covering the preceding fiscal year—

6 “(1) describing in detail the amount of Federal
7 funds provided as covered grants that were directed
8 to each State, region, and directly eligible tribe in
9 the preceding fiscal year;

10 “(2) containing information on the use of such
11 grant funds by grantees; and

12 “(3) describing—

13 “(A) the Nation’s progress in achieving,
14 maintaining, and enhancing the essential capa-
15 bilities established by the Secretary as a result
16 of the expenditure of covered grant funds dur-
17 ing the preceding fiscal year; and

18 “(B) an estimate of the amount of expend-
19 itures required to attain across the United
20 States the essential capabilities established by
21 the Secretary.

22 **“SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER**
23 **EQUIPMENT AND TRAINING.**

24 “(a) EQUIPMENT STANDARDS.—

1 “(1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Under Secretaries for Emergency Pre-
3 paredness and Response and Science and Tech-
4 nology and the Director of the Office for Domestic
5 Preparedness, shall, not later than 6 months after
6 the date of enactment of this section, support the
7 development of, promulgate, and update as nec-
8 essary national voluntary consensus standards for
9 the performance, use, and validation of first re-
10 sponder equipment for purposes of section
11 1805(e)(7). Such standards—

12 “(A) shall be, to the maximum extent prac-
13 ticable, consistent with any existing voluntary
14 consensus standards;

15 “(B) shall take into account, as appro-
16 priate, new types of terrorism threats that may
17 not have been contemplated when such existing
18 standards were developed;

19 “(C) shall be focused on maximizing inter-
20 operability, interchangeability, durability, flexi-
21 bility, efficiency, efficacy, portability, sustain-
22 ability, and safety; and

23 “(D) shall cover all appropriate uses of the
24 equipment.

1 “(2) REQUIRED CATEGORIES.—In carrying out
2 paragraph (1), the Secretary shall specifically con-
3 sider the following categories of first responder
4 equipment:

5 “(A) Thermal imaging equipment.

6 “(B) Radiation detection and analysis
7 equipment.

8 “(C) Biological detection and analysis
9 equipment.

10 “(D) Chemical detection and analysis
11 equipment.

12 “(E) Decontamination and sterilization
13 equipment.

14 “(F) Personal protective equipment, in-
15 cluding garments, boots, gloves, and hoods and
16 other protective clothing.

17 “(G) Respiratory protection equipment.

18 “(H) Interoperable communications, in-
19 cluding wireless and wireline voice, video, and
20 data networks.

21 “(I) Explosive mitigation devices and ex-
22 plosive detection and analysis equipment.

23 “(J) Containment vessels.

24 “(K) Contaminant-resistant vehicles.

1 “(L) Such other equipment for which the
2 Secretary determines that national voluntary
3 consensus standards would be appropriate.

4 “(b) TRAINING STANDARDS.—

5 “(1) IN GENERAL.—The Secretary, in consulta-
6 tion with the Under Secretaries for Emergency Pre-
7 paredness and Response and Science and Tech-
8 nology and the Director of the Office for Domestic
9 Preparedness, shall support the development of, pro-
10 mulgate, and regularly update as necessary national
11 voluntary consensus standards for first responder
12 training carried out with amounts provided under
13 covered grant programs, that will enable State and
14 local government first responders to achieve optimal
15 levels of terrorism preparedness as quickly as prac-
16 ticable. Such standards shall give priority to pro-
17 viding training to—

18 “(A) enable first responders to prevent,
19 prepare for, respond to, mitigate against, and
20 recover from terrorist threats, including threats
21 from chemical, biological, nuclear, and radio-
22 logical weapons and explosive devices capable of
23 inflicting significant human casualties; and

24 “(B) familiarize first responders with the
25 proper use of equipment, including software,

1 developed pursuant to the standards established
2 under subsection (a).

3 “(2) REQUIRED CATEGORIES.—In carrying out
4 paragraph (1), the Secretary specifically shall in-
5 clude the following categories of first responder ac-
6 tivities:

7 “(A) Regional planning.

8 “(B) Joint exercises.

9 “(C) Intelligence collection, analysis, and
10 sharing.

11 “(D) Emergency notification of affected
12 populations.

13 “(E) Detection of biological, nuclear, radi-
14 ological, and chemical weapons of mass destruc-
15 tion.

16 “(F) Such other activities for which the
17 Secretary determines that national voluntary
18 consensus training standards would be appro-
19 priate.

20 “(3) CONSISTENCY.—In carrying out this sub-
21 section, the Secretary shall ensure that such training
22 standards are consistent with the principles of emer-
23 gency preparedness for all hazards.

24 “(c) CONSULTATION WITH STANDARDS ORGANIZA-
25 TIONS.—In establishing national voluntary consensus

1 standards for first responder equipment and training
2 under this section, the Secretary shall consult with rel-
3 evant public and private sector groups, including—

4 “(1) the National Institute of Standards and
5 Technology;

6 “(2) the National Fire Protection Association;

7 “(3) the National Association of County and
8 City Health Officials;

9 “(4) the Association of State and Territorial
10 Health Officials;

11 “(5) the American National Standards Insti-
12 tute;

13 “(6) the National Institute of Justice;

14 “(7) the Inter-Agency Board for Equipment
15 Standardization and Interoperability;

16 “(8) the National Public Health Performance
17 Standards Program;

18 “(9) the National Institute for Occupational
19 Safety and Health;

20 “(10) ASTM International;

21 “(11) the International Safety Equipment Asso-
22 ciation;

23 “(12) the Emergency Management Accredita-
24 tion Program; and

1 “(13) to the extent the Secretary considers ap-
2 propriate, other national voluntary consensus stand-
3 ards development organizations, other interested
4 Federal, State, and local agencies, and other inter-
5 ested persons.

6 “(d) COORDINATION WITH SECRETARY OF HHS.—
7 In establishing any national voluntary consensus stand-
8 ards under this section for first responder equipment or
9 training that involve or relate to health professionals, in-
10 cluding emergency medical professionals, the Secretary
11 shall coordinate activities under this section with the Sec-
12 retary of Health and Human Services.”.

13 (b) DEFINITION OF EMERGENCY RESPONSE PRO-
14 VIDERS.—Paragraph (6) of section 2 of the Homeland Se-
15 curity Act of 2002 (Public Law 107–296; 6 U.S.C.
16 101(6)) is amended by striking “includes” and all that
17 follows and inserting “includes Federal, State, and local
18 governmental and nongovernmental emergency public
19 safety, law enforcement, fire, emergency response, emer-
20 gency medical (including hospital emergency facilities),
21 and related personnel, organizations, agencies, and au-
22 thorities.”.

23 **SEC. 114. SUPERSEDED PROVISION.**

24 This chapter supersedes section 1014(c)(3) of Public
25 Law 107–56.

1 **SEC. 115. OVERSIGHT.**

2 The Secretary of Homeland Security shall establish
3 within the Office for Domestic Preparedness an Office of
4 the Comptroller to oversee the grants distribution process
5 and the financial management of the Office for Domestic
6 Preparedness.

7 **SEC. 116. GAO REPORT ON AN INVENTORY AND STATUS OF**
8 **HOMELAND SECURITY FIRST RESPONDER**
9 **TRAINING.**

10 (a) **IN GENERAL.**—The Comptroller General of the
11 United States shall report to the Congress in accordance
12 with this section—

13 (1) on the overall inventory and status of first
14 responder training programs of the Department of
15 Homeland Security and other departments and
16 agencies of the Federal Government; and

17 (2) the extent to which such programs are co-
18 ordinated.

19 (b) **CONTENTS OF REPORTS.**—The reports under this
20 section shall include—

21 (1) an assessment of the effectiveness of the
22 structure and organization of such training pro-
23 grams;

24 (2) recommendations to—

1 (A) improve the coordination, structure,
2 and organization of such training programs;
3 and

4 (B) increase the availability of training to
5 first responders who are not able to attend cen-
6 tralized training programs;

7 (3) the structure and organizational effective-
8 ness of such programs for first responders in rural
9 communities;

10 (4) identification of any duplication or redun-
11 dancy among such programs;

12 (5) a description of the use of State and local
13 training institutions, universities, centers, and the
14 National Domestic Preparedness Consortium in de-
15 signing and providing training;

16 (6) a cost-benefit analysis of the costs and time
17 required for first responders to participate in train-
18 ing courses at Federal institutions;

19 (7) an assessment of the approval process for
20 certifying non-Department of Homeland Security
21 training courses that are useful for anti-terrorism
22 purposes as eligible for grants awarded by the De-
23 partment;

1 (8) a description of the use of Department of
2 Homeland Security grant funds by States and local
3 governments to acquire training;

4 (9) an analysis of the feasibility of Federal,
5 State, and local personnel to receive the training
6 that is necessary to adopt the National Response
7 Plan and the National Incident Management Sys-
8 tem; and

9 (10) the role of each first responder training in-
10 stitution within the Department of Homeland Secu-
11 rity in the design and implementation of terrorism
12 preparedness and related training courses for first
13 responders.

14 (c) DEADLINES.—The Comptroller General shall—

15 (1) submit a report under subsection (a)(1) by
16 not later than 60 days after the date of the enact-
17 ment of this Act; and

18 (2) submit a report on the remainder of the
19 topics required by this section by not later than 120
20 days after the date of the enactment of this Act.

21 **SEC. 117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT**
22 **DISCOURAGE THE DONATION OF FIRE EQUIP-**
23 **MENT TO VOLUNTEER FIRE COMPANIES.**

24 (a) LIABILITY PROTECTION.—A person who donates
25 fire control or fire rescue equipment to a volunteer fire

1 company shall not be liable for civil damages under any
2 State or Federal law for personal injuries, property dam-
3 age or loss, or death caused by the equipment after the
4 donation.

5 (b) EXCEPTIONS.—Subsection (a) does not apply to
6 a person if—

7 (1) the person’s act or omission causing the in-
8 jury, damage, loss, or death constitutes gross neg-
9 ligence or intentional misconduct; or

10 (2) the person is the manufacturer of the fire
11 control or fire rescue equipment.

12 (c) PREEMPTION.—This section preempts the laws of
13 any State to the extent that such laws are inconsistent
14 with this section, except that notwithstanding subsection
15 (b) this section shall not preempt any State law that pro-
16 vides additional protection from liability for a person who
17 donates fire control or fire rescue equipment to a volunteer
18 fire company.

19 (d) DEFINITIONS.—In this section:

20 (1) PERSON.—The term “person” includes any
21 governmental or other entity.

22 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—
23 The term “fire control or fire rescue equipment” in-
24 cludes any fire vehicle, fire fighting tool, communica-

1 tions equipment, protective gear, fire hose, or
2 breathing apparatus.

3 (3) STATE.—The term “State” includes the
4 several States, the District of Columbia, the Com-
5 monwealth of Puerto Rico, the Commonwealth of the
6 Northern Mariana Islands, American Samoa, Guam,
7 the Virgin Islands, any other territory or possession
8 of the United States, and any political subdivision of
9 any such State, territory, or possession.

10 (4) VOLUNTEER FIRE COMPANY.—The term
11 “volunteer fire company” means an association of
12 individuals who provide fire protection and other
13 emergency services, where at least 30 percent of the
14 individuals receive little or no compensation com-
15 pared with an entry level full-time paid individual in
16 that association or in the nearest such association
17 with an entry level full-time paid individual.

18 (e) EFFECTIVE DATE.—This section applies only to
19 liability for injury, damage, loss, or death caused by equip-
20 ment that, for purposes of subsection (a), is donated on
21 or after the date that is 30 days after the date of the
22 enactment of this Act.

1 **Subtitle B—Transportation**
2 **Security**

3 **SEC. 121. REPORT ON NATIONAL STRATEGY FOR TRANS-**
4 **PORTATION SECURITY.**

5 (a) REPORT; CERTIFICATION.—Not later than 30
6 days after the date of the enactment of this Act, and every
7 30 days thereafter, the Secretary of Transportation shall
8 submit to the relevant congressional committees a report
9 on the recommendations of the 9/11 Commission and the
10 policy goals of the Intelligence Reform and Terrorism Pre-
11 vention Act of 2004 (Public Law 108–458) with respect
12 to completion of a national strategy for transportation se-
13 curity. Such report shall include—

14 (1) a certification by the Secretary of Transpor-
15 tation that such recommendations have been imple-
16 mented and such policy goals have been achieved; or

17 (2) if the Secretary of Transportation is unable
18 to make the certification described in paragraph (1),
19 a description of—

20 (A) the steps taken to implement such rec-
21 ommendations and achieve such policy goals;

22 (B) when the Secretary expects such rec-
23 ommendations to be implemented and such pol-
24 icy goals to be achieved; and

1 (C) any allocation of resources or other ac-
2 tions by Congress the Secretary considers nec-
3 essary to implement such recommendations and
4 achieve such policy goals.

5 (b) **TERMINATION OF DUTY TO REPORT.**—The duty
6 to submit a report under subsection (a) shall terminate
7 when the Secretary of Transportation submits a certifi-
8 cation pursuant to subsection (a)(1).

9 (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-
10 retary of Transportation submits a certification pursuant
11 to subsection (a)(1), not later than 30 days after the sub-
12 mission of such certification, the Comptroller General
13 shall submit to the relevant congressional committees a
14 report on whether the recommendations described in such
15 subsection (e) have been implemented and whether the
16 policy goals described in subsection (a) have been
17 achieved.

18 **SEC. 122. REPORT ON AIRLINE PASSENGER PRE-SCREEN-**
19 **ING.**

20 (a) **REPORT; CERTIFICATION.**—Not later than 30
21 days after the date of the enactment of this Act, and every
22 30 days thereafter, the Secretary of Transportation shall
23 submit to the relevant congressional committees a report
24 on the recommendations of the 9/11 Commission and the
25 policy goals of the Intelligence Reform and Terrorism Pre-

1 vention Act of 2004 (Public Law 108–458) with respect
2 to improving airline passenger pre-screening. Such report
3 shall include—

4 (1) a certification by the Secretary of Transpor-
5 tation that such recommendations have been imple-
6 mented and such policy goals have been achieved; or

7 (2) if the Secretary of Transportation is unable
8 to make the certification described in paragraph (1),
9 a description of—

10 (A) the steps taken to implement such rec-
11 ommendations and achieve such policy goals;

12 (B) when the Secretary expects such rec-
13 ommendations to be implemented and such pol-
14 icy goals to be achieved; and

15 (C) any allocation of resources or other ac-
16 tions by Congress the Secretary considers nec-
17 essary to implement such recommendations and
18 achieve such policy goals.

19 (b) TERMINATION OF DUTY TO REPORT.—The duty
20 to submit a report under subsection (a) shall terminate
21 when the Secretary of Transportation submits a certifi-
22 cation pursuant to subsection (a)(1).

23 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
24 retary of Transportation submits a certification pursuant
25 to subsection (a)(1), not later than 30 days after the sub-

1 mission of such certification, the Comptroller General
2 shall submit to the relevant congressional committees a
3 report on whether the recommendations described in sub-
4 section (a) have been implemented and whether the policy
5 goals described in subsection (a) have been achieved.

6 **SEC. 123. REPORT ON DETECTION OF EXPLOSIVES AT AIR-**
7 **LINE SCREENING CHECKPOINTS.**

8 (a) REPORT; CERTIFICATION.—Not later than 30
9 days after the date of the enactment of this Act, and every
10 30 days thereafter, the Secretary of Transportation shall
11 submit to the relevant congressional committees a report
12 on the recommendations of the 9/11 Commission and the
13 policy goals of the Intelligence Reform and Terrorism Pre-
14 vention Act of 2004 (Public Law 108–458) with respect
15 to the improvement of airline screening checkpoints to de-
16 tect explosives. Such report shall include—

17 (1) a certification by the Secretary of Transpor-
18 tation that such recommendations have been imple-
19 mented and such policy goals have been achieved; or

20 (2) if the Secretary of Transportation is unable
21 to make the certification described in paragraph (1),
22 a description of—

23 (A) the steps taken to implement such rec-
24 ommendations and achieve such policy goals;

1 (B) when the Secretary expects such rec-
2 ommendations to be implemented and such pol-
3 icy goals to be achieved; and

4 (C) any allocation of resources or other ac-
5 tions by Congress the Secretary considers nec-
6 essary to implement such recommendations and
7 achieve such policy goals.

8 (b) **TERMINATION OF DUTY TO REPORT.**—The duty
9 to submit a report under subsection (a) shall terminate
10 when the Secretary of Transportation submits a certifi-
11 cation pursuant to subsection (a)(1).

12 (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-
13 retary of Transportation submits a certification pursuant
14 to subsection (a)(1), not later than 30 days after the sub-
15 mission of such certification, the Comptroller General
16 shall submit to the relevant congressional committees a
17 report on whether the recommendations described in sub-
18 section (a) have been implemented and whether the policy
19 goals described in subsection (a) have been achieved.

20 **SEC. 124. REPORT ON COMPREHENSIVE SCREENING PRO-**
21 **GRAM.**

22 (a) **REPORT; CERTIFICATION.**—Not later than 30
23 days after the date of the enactment of this Act, and every
24 30 days thereafter, the Secretary of Transportation shall
25 submit to the relevant congressional committees a report

1 on the recommendations of the 9/11 Commission and the
2 policy goals of the Intelligence Reform and Terrorism Pre-
3 vention Act of 2004 (Public Law 108–458) with respect
4 to implementation of a comprehensive screening program.

5 Such report shall include—

6 (1) a certification by the Secretary of Transpor-
7 tation that such recommendations have been imple-
8 mented and such policy goals have been achieved; or

9 (2) if the Secretary of Transportation is unable
10 to make the certification described in paragraph (1),
11 a description of—

12 (A) the steps taken to implement such rec-
13 ommendations and achieve such policy goals;

14 (B) when the Secretary expects such rec-
15 ommendations to be implemented and such pol-
16 icy goals to be achieved; and

17 (C) any allocation of resources or other ac-
18 tions by Congress the Secretary considers nec-
19 essary to implement such recommendations and
20 achieve such policy goals.

21 (b) TERMINATION OF DUTY TO REPORT.—The duty
22 to submit a report under subsection (a) shall terminate
23 when the Secretary of Transportation submits a certifi-
24 cation pursuant to subsection (a)(1).

1 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
2 retary of Transportation submits a certification pursuant
3 to subsection (a)(1), not later than 30 days after the sub-
4 mission of such certification, the Comptroller General
5 shall submit to the relevant congressional committees a
6 report on whether the recommendations described in sub-
7 section (a) have been implemented and whether the policy
8 goals described in subsection (a) have been achieved.

9 **SEC. 125. RELEVANT CONGRESSIONAL COMMITTEES DE-**
10 **FINED.**

11 In this subtitle, the term “relevant congressional
12 committees” means—

13 (1) the Committee on Homeland Security of the
14 House of Representatives;

15 (2) the Committee on Government Reform of
16 the House of Representatives;

17 (3) the Committee on Transportation and In-
18 frastructure of the House of Representatives;

19 (4) the Committee on Homeland Security and
20 Government Affairs of the Senate; and

21 (5) the Committee on Environment and Public
22 Works of the Senate.

1 **Subtitle C—Border Security**

2 **SEC. 131. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

3 (a) REPORT; CERTIFICATION.—Not later than 30
4 days after the date of the enactment of this Act, and every
5 30 days thereafter, the Director of the National
6 Counterterrorism Center shall submit to the relevant con-
7 gressional committees a report on the recommendations
8 of the 9/11 Commission and the policy goals of the Intel-
9 ligence Reform and Terrorism Prevention Act of 2004
10 (Public Law 108–458) with respect to improving collection
11 and analysis of intelligence on terrorist travel. Each such
12 report shall include—

13 (1) a certification that such recommendations
14 have been implemented and such policy goals have
15 been achieved; or

16 (2) if the Director of the National
17 Counterterrorism Center is unable to make the cer-
18 tification described in paragraph (1), a description
19 of—

20 (A) the steps taken to implement such rec-
21 ommendations and achieve such policy goals;

22 (B) when such recommendations are ex-
23 pected to to be implemented and such policy
24 goals to be achieved; and

1 (C) any allocation of resources or other ac-
2 tions by Congress considered necessary to im-
3 plement such recommendations and achieve
4 such policy goals.

5 (b) TERMINATION OF DUTY TO REPORT.—The duty
6 of the Director of the National Counterterrorism Center
7 to submit a report under subsection (a) shall terminate
8 when the Secretary submits a certification pursuant to
9 subsection (a)(1). The duty of the Director of National
10 Intelligence to submit a report under subsection (a) shall
11 terminate when the Director submits a certification pursu-
12 ant to subsection (a)(1).

13 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
14 tor of the National Counterterrorism submits a certifi-
15 cation pursuant to subsection (a)(1), not later than 30
16 days after the submission of such certification, the Comp-
17 troller General shall submit to the relevant congressional
18 committees a report on whether the recommendations de-
19 scribed in subsection (a) have been implemented and
20 whether the policy goals described in subsection (a) have
21 been achieved.

22 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For
23 purposes of this section, the term “relevant congressional
24 committees” means the the following:

1 (1) The Committee on Homeland Security of
2 the House of Representatives.

3 (2) The Committee on Government Reform of
4 the House of Representatives.

5 (3) The Committee on Transportation and In-
6 frastructure of the House of Representatives.

7 (4) The Committee on Homeland Security and
8 Governmental Affairs of the Senate.

9 (5) The Committee on Environment and Public
10 Works of the Senate.

11 (6) The Select Committee on Intelligence of the
12 Senate.

13 (7) The Permanent Select Committee on Intel-
14 ligence of the House of Representatives.

15 **SEC. 132. COMPREHENSIVE SCREENING SYSTEM.**

16 (a) REPORT; CERTIFICATION.—Not later than 30
17 days after the date of the enactment of this Act, and every
18 30 days thereafter, the Secretary of Homeland Security
19 and the Secretary of Transportation shall each submit to
20 the relevant congressional committees a report on the rec-
21 ommendations of the 9/11 Commission and the policy
22 goals of the Intelligence Reform and Terrorism Prevention
23 Act of 2004 (Public Law 108–458) with respect to the
24 establishment of the comprehensive screening system de-

1 scribed in Presidential Homeland Security Directive 11
2 (dated August 27, 2004). Each such report shall include—

3 (1) a certification that such recommendations
4 have been implemented and such policy goals have
5 been achieved; or

6 (2) if either the Secretary of Homeland Secu-
7 rity or the Secretary of Transportation is unable to
8 make the certification described in paragraph (1), a
9 description of—

10 (A) the steps taken to implement such rec-
11 ommendations and achieve such policy goals;

12 (B) when such recommendations are ex-
13 pected to be implemented and such policy goals
14 to be achieved; and

15 (C) any allocation of resources or other ac-
16 tions by Congress considered necessary to im-
17 plement such recommendations and achieve
18 such policy goals.

19 (b) TERMINATION OF DUTY TO REPORT.—The duty
20 of the Secretary of Homeland Security to submit a report
21 under subsection (a) shall terminate when the Secretary
22 of Homeland Security submits a certification pursuant to
23 subsection (a)(1). The duty of the Secretary of Transpor-
24 tation to submit a report under subsection (a) shall termi-

1 nate when the Secretary of Transportation submits a cer-
2 tification pursuant to subsection (a)(1).

3 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
4 retary of Homeland Security and the Secretary of Trans-
5 portation both submit certifications pursuant to sub-
6 section (a)(1), not later than 30 days after the submission
7 of such certifications, the Comptroller General shall sub-
8 mit to the relevant congressional committees a report on
9 whether the recommendations described in subsection (a)
10 have been implemented and whether the policy goals de-
11 scribed in subsection (a) have been achieved.

12 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For
13 purposes of this section, the term “relevant congressional
14 committees” means the the following:

15 (1) The Committee on Homeland Security of
16 the House of Representatives.

17 (2) The Committee on Government Reform of
18 the House of Representatives.

19 (3) The Committee on Transportation and In-
20 frastructure of the House of Representatives.

21 (4) The Committee on Homeland Security and
22 Governmental Affairs of the Senate.

23 (5) The Committee on Environment and Public
24 Works of the Senate.

1 **SEC. 133. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.**

2 (a) REPORT; CERTIFICATION.—Not later than 30
3 days after the date of the enactment of this Act, and every
4 30 days thereafter, the Secretary of Homeland Security
5 shall submit to the relevant congressional committees a
6 report on the recommendations of the 9/11 Commission
7 and the policy goals of the Intelligence Reform and Ter-
8 rorism Prevention Act of 2004 (Public Law 108–458)
9 with respect to the completion of a biometric entry and
10 exit data system. Each such report shall include—

11 (1) a certification that such recommendations
12 have been implemented and such policy goals have
13 been achieved; or

14 (2) if the Secretary of Homeland Security is
15 unable to make the certification described in para-
16 graph (1), a description of—

17 (A) the steps taken to implement such rec-
18 ommendations and achieve such policy goals;

19 (B) when such recommendations are ex-
20 pected to be implemented and such policy goals
21 to be achieved; and

22 (C) any allocation of resources or other ac-
23 tions by Congress the Secretary considers nec-
24 essary to implement such recommendations and
25 achieve such policy goals.

1 (b) TERMINATION OF DUTY TO REPORT.—The duty
2 to submit a report under subsection (a) shall terminate
3 when the Secretary of Homeland Security submits a cer-
4 tification pursuant to subsection (a)(1).

5 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
6 retary of Homeland Security submits a certification pursu-
7 ant to subsection (a)(1), not later than 30 days after the
8 submission of such certification, the Comptroller General
9 shall submit to the relevant congressional committees a
10 report on whether the recommendations described in sub-
11 section (a) have been implemented and whether the policy
12 goals described in subsection (a) have been achieved.

13 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For
14 purposes of this section, the term “relevant congressional
15 committees” means the the following:

16 (1) The Committee on Homeland Security of
17 the House of Representatives.

18 (2) The Committee on Government Reform of
19 the House of Representatives.

20 (3) The Committee on the Judiciary of the
21 House of Representatives.

22 (4) The Committee on Homeland Security and
23 Governmental Affairs of the Senate.

24 (5) The Committee on the Judiciary of the Sen-
25 ate.

1 **SEC. 134. INTERNATIONAL COLLABORATION ON BORDER**
2 **AND DOCUMENT SECURITY.**

3 (a) REPORT; CERTIFICATION.—Not later than 30
4 days after the date of the enactment of this Act, and every
5 30 days thereafter, the Secretary of Homeland Security
6 and the Secretary of State shall each submit to the rel-
7 evant congressional committees a report on the rec-
8 ommendations of the 9/11 Commission and the policy
9 goals of the Intelligence Reform and Terrorism Prevention
10 Act of 2004 (Public Law 108–458) with respect to inter-
11 national collaboration on border and document security.
12 Each such report shall include—

13 (1) a certification that such recommendations
14 have been implemented and such policy goals have
15 been achieved; or

16 (2) if either the Secretary of Homeland Secu-
17 rity or the Secretary of State is unable to make the
18 certification described in paragraph (1), a descrip-
19 tion of—

20 (A) the steps taken to implement such rec-
21 ommendations and achieve such policy goals;

22 (B) when such recommendations are ex-
23 pected to be implemented and such policy goals
24 to be achieved; and

25 (C) any allocation of resources or other ac-
26 tions by Congress considered necessary to im-

1 plement such recommendations and achieve
2 such policy goals.

3 (b) TERMINATION OF DUTY TO REPORT.—The duty
4 of the Secretary of Homeland Security to submit a report
5 under subsection (a) shall terminate when the Secretary
6 of Homeland Security submits a certification pursuant to
7 subsection (a)(1). The duty of the Secretary of State to
8 submit a report under subsection (a) shall terminate when
9 the Secretary of State submits a certification pursuant to
10 subsection (a)(1).

11 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
12 retary of Homeland Security and the Secretary of State
13 both submit certifications pursuant to subsection (a)(1),
14 not later than 30 days after the submission of such certifi-
15 cations, the Comptroller General shall submit to the rel-
16 evant congressional committees a report on whether the
17 recommendations described in subsection (a) have been
18 implemented and whether the policy goals described in
19 subsection (a) have been achieved.

20 (d) WATCH LIST.—The Comptroller General shall
21 submit to the relevant congressional committees a report
22 assessing the sharing of the consolidated and integrated
23 terrorist watch list maintained by the Federal Government
24 with countries designated to participate in the visa waiver

1 program established under section 217 of the Immigration
2 and Nationality Act (8 U.S.C. 1187).

3 (e) FINGERPRINTING IN DOMESTIC AND FOREIGN
4 PASSPORTS.—

5 (1) USE IN UNITED STATES PASSPORTS.—

6 (A) IN GENERAL.—Section 215(b) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1185(b)) is amended by inserting after “pass-
9 port” the following: “that contains the finger-
10 prints of the citizen involved”.

11 (B) EFFECTIVE DATE.—The amendment
12 made by subparagraph (A) shall apply to pass-
13 ports issued on or after the date that is 90 days
14 after the date of the enactment of this Act.

15 (2) USE IN FOREIGN PASSPORTS.—

16 (A) IN GENERAL.—Section 212(a)(7) of
17 such Act (8 U.S.C. 1182(a)(7)) is amended by
18 adding at the end the following new subpara-
19 graph:

20 “(C) REQUIREMENT FOR FINGERPRINTS
21 ON PASSPORTS.—No passport of an alien shall
22 be considered valid for purposes of subpara-
23 graph (A) or (B) unless the passport contains
24 the fingerprints of the alien.”.

1 (B) EFFECTIVE DATE.—The amendment
2 made by subparagraph (A) shall apply to aliens
3 applying for admission to the United States on
4 or after the date that is 90 days after the date
5 of the enactment of this Act.

6 (f) RELEVANT CONGRESSIONAL COMMITTEES.—For
7 purposes of this section, the term “relevant congressional
8 committees” means the the following:

9 (1) The Committee on Homeland Security of
10 the House of Representatives.

11 (2) The Committee on Government Reform of
12 the House of Representatives.

13 (3) The Committee on the International Rela-
14 tions of the House of Representatives.

15 (4) The Committee on the Judiciary of the
16 House of Representatives.

17 (5) The Committee on Homeland Security and
18 Governmental Affairs of the Senate.

19 (6) The Committee on the Judiciary of the Sen-
20 ate.

21 (7) The Committee on Foreign Relations of the
22 Senate.

23 **SEC. 135. STANDARDIZATION OF SECURE IDENTIFICATION.**

24 (a) REPORT; CERTIFICATION.—Not later than 30
25 days after the date of the enactment of this Act, and every

1 30 days thereafter, the Secretary of Homeland Security
2 and the Secretary of Health and Human Services shall
3 each submit to the relevant congressional committees a re-
4 port on the recommendations of the 9/11 Commission and
5 the policy goals of the Intelligence Reform and Terrorism
6 Prevention Act of 2004 (Public Law 108–458) with re-
7 spect to the establishment of standardization of secure
8 identification. Each such report shall include—

9 (1) a certification that such recommendations
10 have been implemented and such policy goals have
11 been achieved; or

12 (2) if either the Secretary of Homeland Secu-
13 rity or the Secretary of Health and Human Services
14 is unable to make the certification described in para-
15 graph (1), a description of—

16 (A) the steps taken to implement such rec-
17 ommendations and achieve such policy goals;

18 (B) when such recommendations are ex-
19 pected to be implemented and such policy goals
20 to be achieved; and

21 (C) any allocation of resources or other ac-
22 tions by Congress the Secretary considers nec-
23 essary to implement such recommendations and
24 achieve such policy goals.

1 (b) TERMINATION OF DUTY TO REPORT.—The duty
2 to submit a report under subsection (a) shall terminate—

3 (1) for the Secretary of Homeland Security,
4 when the Secretary of Homeland Security submits a
5 certification pursuant to subsection (a)(1); and

6 (2) for the Secretary of Health and Human
7 Services, when the Secretary of Health and Human
8 Services submits a certification pursuant to sub-
9 section (a)(1).

10 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
11 retary of Homeland Security and the Secretary of Health
12 and Human Services submit certifications pursuant to
13 subsection (a)(1), not later than 30 days after the submis-
14 sion of such certifications, the Comptroller General shall
15 submit to the relevant congressional committees a report
16 on whether the recommendations described in subsection
17 (a) have been implemented and whether the policy goals
18 described in subsection (a) have been achieved.

19 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For
20 purposes of this section, the term “relevant congressional
21 committees” means the the following:

22 (1) The Committee on Homeland Security of
23 the House of Representatives.

24 (2) The Committee on Government Reform of
25 the House of Representatives.

1 (3) The Committee on the Judiciary of the
2 House of Representatives.

3 (4) The Committee on Ways and Means of the
4 House of Representatives.

5 (5) The Committee on Finance of the Senate.

6 (6) The Committee on Homeland Security and
7 Governmental Affairs of the Senate.

8 **SEC. 136. SECURITY ENHANCEMENTS FOR SOCIAL SECU-**
9 **RITY CARDS.**

10 (a) REPORT; CERTIFICATION.—Not later than 30
11 days after the date of the enactment of this Act, and every
12 30 days thereafter, the Commissioner of Social Security
13 shall submit to the relevant congressional committees a
14 report on the recommendations of the 9/11 Commission
15 and the policy goals of the Intelligence Reform and Ter-
16 rorism Prevention Act of 2004 (Public Law 108–458)
17 with respect to security enhancements for social security
18 cards and the implementation of section
19 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C.
20 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the In-
21 telligence Reform and Terrorism Prevention Act of 2004
22 (Public Law 108–458)). Each such report shall include—

23 (1) a certification that such recommendations
24 have been implemented and such policy goals have
25 been achieved; or

1 (2) if the Commissioner of Social Security is
2 unable to make the certification described in para-
3 graph (1), a description of—

4 (A) the steps taken to implement such rec-
5 ommendations and achieve such policy goals;

6 (B) when such recommendations are ex-
7 pected to be implemented and such policy goals
8 to be achieved; and

9 (C) any allocation of resources or other ac-
10 tions by Congress the Commissioner considers
11 necessary to implement such recommendations
12 and achieve such policy goals.

13 (b) TERMINATION OF DUTY TO REPORT.—The duty
14 to submit a report under subsection (a) shall terminate
15 when the Commissioner of Social Security submits a cer-
16 tification pursuant to subsection (a)(1).

17 (c) GAO REVIEW OF CERTIFICATION.—If the Com-
18 missioner of Social Security submits a certification pursu-
19 ant to subsection (a)(1), not later than 30 days after the
20 submission of such certification, the Comptroller General
21 shall submit to the relevant congressional committees a
22 report on whether the recommendations described in sub-
23 section (a) have been implemented and whether the policy
24 goals described in subsection (a) have been achieved.

1 (d) RELEVANT CONGRESSIONAL COMMITTEES.—For
2 purposes of this section, the term “relevant congressional
3 committees” means the the following:

4 (1) The Committee on Homeland Security of
5 the House of Representatives.

6 (2) The Committee on Government Reform of
7 the House of Representatives.

8 (3) The Committee on the Judiciary of the
9 House of Representatives.

10 (4) The Committee on Ways and Means of the
11 House of Representatives.

12 (5) The Committee on Finance of the Senate.

13 (6) The Committee on Homeland Security and
14 Governmental Affairs of the Senate.

15 **TITLE II—REFORMING THE**
16 **INSTITUTIONS OF GOVERNMENT**
17 **Subtitle A—Intelligence**
18 **Community**

19 **SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTEL-**
20 **LIGENCE.**

21 (a) REPORT; CERTIFICATION.—Not later than 30
22 days after the date of the enactment of this Act, and every
23 30 days thereafter, the Director of National Intelligence
24 shall submit to the relevant congressional committees a
25 report on the recommendations of the 9/11 Commission

1 and the policy goals of the Intelligence Reform and Ter-
2 rorism Prevention Act of 2004 (Public Law 108–458)
3 with respect to the Director of National Intelligence. Such
4 report shall include—

5 (1) a certification by the Director of National
6 Intelligence that such recommendations have been
7 implemented and such policy goals have been
8 achieved; or

9 (2) if the Director of National Intelligence is
10 unable to make the certification described in para-
11 graph (1), a description of—

12 (A) the steps taken to implement such rec-
13 ommendations and achieve such policy goals;

14 (B) when the Director of National Intel-
15 ligence expects such recommendations to be im-
16 plemented and such policy goals to be achieved;
17 and

18 (C) any allocation of resources or other ac-
19 tions by Congress the Director considers nec-
20 essary to implement such recommendations and
21 achieve such policy goals.

22 (b) TERMINATION OF DUTY TO REPORT.—The duty
23 to submit a report under subsection (a) shall terminate
24 when the Director of National Intelligence submits a cer-
25 tification pursuant to subsection (a)(1).

1 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
2 tor of National Intelligence submits a certification pursu-
3 ant to subsection (a)(1), not later than 30 days after the
4 submission of such certification, the Comptroller General
5 shall submit to the relevant congressional committees a
6 report on whether the recommendations described in sub-
7 section (a) have been implemented and whether the policy
8 goals described in subsection (a) have been achieved.

9 (d) GAO REPORT ON DNI EXERCISE OF AUTHOR-
10 ITY.—

11 (1) ANNUAL REPORT.—Not later than 90 days
12 after the date of the enactment of this Act, and an-
13 nually thereafter, the Comptroller General shall sub-
14 mit to the relevant congressional committees a re-
15 port on whether—

16 (A) the Director of National Intelligence
17 has been able to properly exercise the authority
18 of the Office of the Director of National Intel-
19 ligence, including budget and personnel author-
20 ity; and

21 (B) information sharing among the intel-
22 ligence community is a high priority.

23 (2) TERMINATION.—The duty to submit a re-
24 port under paragraph (1) shall terminate when the
25 Comptroller General certifies to the relevant con-

1 gressional committees that the recommendations of
2 the 9/11 Commission and the policy goals of the In-
3 telligence Reform and Terrorism Prevention Act of
4 2004 (Public Law 108–458) with respect to the Di-
5 rector of National Intelligence have been achieved.

6 **SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM**
7 **CENTER.**

8 (a) REPORT; CERTIFICATION.—Not later than 30
9 days after the date of the enactment of this Act, and every
10 30 days thereafter, the Director of National Intelligence
11 shall submit to the relevant congressional committees a
12 report on the recommendations of the 9/11 Commission
13 and the policy goals of the Intelligence Reform and Ter-
14 rorism Prevention Act of 2004 (Public Law 108–458)
15 with respect to the establishment of a National
16 Counterterrorism Center. Such report shall include—

17 (1) a certification by the Director of National
18 Intelligence that such recommendations have been
19 implemented and such policy goals have been
20 achieved; or

21 (2) if the Director of National Intelligence is
22 unable to make the certification described in para-
23 graph (1), a description of—

24 (A) the steps taken to implement such rec-
25 ommendations and achieve such policy goals;

1 (B) when the Director of National Intel-
2 ligence expects such recommendations to be im-
3 plemented and such policy goals to be achieved;
4 and

5 (C) any allocation of resources or other ac-
6 tions by Congress the Director considers nec-
7 essary to implement such recommendations and
8 achieve such policy goals.

9 (b) TERMINATION OF DUTY TO REPORT.—The duty
10 to submit a report under subsection (a) shall terminate
11 when the Director of National Intelligence submits a cer-
12 tification pursuant to subsection (a)(1).

13 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
14 tor of National Intelligence submits a certification pursu-
15 ant to subsection (a)(1), not later than 30 days after the
16 submission of such certification, the Comptroller General
17 shall submit to the relevant congressional committees a
18 report on whether the recommendations described in sub-
19 section (a) have been implemented and whether the policy
20 goals described in subsection (a) have been achieved.

21 **SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU**
22 **OF INVESTIGATION NATIONAL SECURITY**
23 **WORKFORCE.**

24 (a) REPORT; CERTIFICATION.—Not later than 30
25 days after the date of the enactment of this Act, and every

1 30 days thereafter, the Director of the Federal Bureau
2 of Investigation shall submit to the relevant congressional
3 committees a report on the recommendations of the 9/11
4 Commission and the policy goals of the Intelligence Re-
5 form and Terrorism Prevention Act of 2004 (Public Law
6 108–458) with respect to the creation of a Federal Bureau
7 of Investigation national security workforce. Such report
8 shall include—

9 (1) a certification by the Director of the Fed-
10 eral Bureau of Investigation that such recommenda-
11 tions have been implemented and such policy goals
12 have been achieved; or

13 (2) if the Director of the Federal Bureau of In-
14 vestigation is unable to make the certification de-
15 scribed in paragraph (1), a description of—

16 (A) the steps taken to implement such rec-
17 ommendations and achieve such policy goals;

18 (B) when the Director of the Federal Bu-
19 reau of Investigation expects such recommenda-
20 tions to be implemented and such policy goals
21 to be achieved; and

22 (C) any allocation of resources or other ac-
23 tions by Congress the Director of the Federal
24 Bureau of Investigation considers necessary to

1 implement such recommendations and achieve
2 such policy goals.

3 (b) TERMINATION OF DUTY TO REPORT.—The duty
4 to submit a report under subsection (a) shall terminate
5 when the Director of the Federal Bureau of Investigation
6 submits a certification pursuant to subsection (a)(1).

7 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
8 tor of the Federal Bureau of Investigation submits a cer-
9 tification pursuant to subsection (a)(1), not later than 30
10 days after the submission of such certification, the Comp-
11 troller General shall submit to the relevant congressional
12 committees a report on whether the recommendations de-
13 scribed in subsection (a) have been implemented and
14 whether the policy goals described in subsection (a) have
15 been achieved.

16 (d) GAO REPORT ON CREATION OF FBI NATIONAL
17 SECURITY WORKFORCE.—

18 (1) ANNUAL REPORT.—Not later than 90 days
19 after the date of the enactment of this Act, and an-
20 nually thereafter, the Comptroller General shall sub-
21 mit to the relevant congressional committees a re-
22 port on whether—

23 (A) there is a sense of urgency within the
24 Federal Bureau of Investigation to create a na-
25 tional security workforce to carry out the do-

1 mestic counterterrorism mission of the Federal
2 Bureau of Investigation;

3 (B) the Federal Bureau of Investigation is
4 on track to create such a workforce; and

5 (C) the culture of the Federal Bureau of
6 Investigation allows the Federal Bureau of In-
7 vestigation to meet its new challenges and suc-
8 ceed in its counterterrorism role.

9 (2) **TERMINATION.**—The duty to submit a re-
10 port under paragraph (1) shall terminate when the
11 Comptroller General certifies to the relevant con-
12 gressional committees that the recommendations of
13 the 9/11 Commission and the policy goals of the In-
14 telligence Reform and Terrorism Prevention Act of
15 2004 (Public Law 108–458) with respect to the cre-
16 ation of a Federal Bureau of Investigation national
17 security workforce have been achieved.

18 **SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR**
19 **OF THE CENTRAL INTELLIGENCE AGENCY.**

20 (a) **REPORT; CERTIFICATION.**—Not later than 30
21 days after the date of the enactment of this Act, and every
22 30 days thereafter, the Director of National Intelligence
23 shall submit to the relevant congressional committees a
24 report on the recommendations of the 9/11 Commission
25 and the policy goals of the Intelligence Reform and Ter-

1 rorism Prevention Act of 2004 (Public Law 108–458)
2 with respect to the new mission of the Director of the Cen-
3 tral Intelligence Agency. Such report shall include—

4 (1) a certification by the Director of National
5 Intelligence that such recommendations have been
6 implemented and such policy goals have been
7 achieved; or

8 (2) if the Director of National Intelligence is
9 unable to make the certification described in para-
10 graph (1), a description of—

11 (A) the steps taken to implement such rec-
12 ommendations and achieve such policy goals;

13 (B) when the Director of National Intel-
14 ligence expects such recommendations to be im-
15 plemented and such policy goals to be achieved;
16 and

17 (C) any allocation of resources or other ac-
18 tions by Congress the Director considers nec-
19 essary to implement such recommendations and
20 achieve such policy goals.

21 (b) TERMINATION OF DUTY TO REPORT.—The duty
22 to submit a report under subsection (a) shall terminate
23 when the Director of National Intelligence submits a cer-
24 tification pursuant to subsection (a)(1).

1 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
2 tor of National Intelligence submits a certification pursu-
3 ant to subsection (a)(1), not later than 30 days after the
4 submission of such certification, the Comptroller General
5 shall submit to the relevant congressional committees a
6 report on whether the recommendations described in sub-
7 section (a) have been implemented and whether the policy
8 goals described in subsection (a) have been achieved.

9 (d) GAO REPORT ON DIRECTOR OF THE CENTRAL
10 INTELLIGENCE AGENCY.—

11 (1) ANNUAL REPORT.—Not later than 90 days
12 after the date of the enactment of this Act, and an-
13 nually thereafter, the Comptroller General shall sub-
14 mit to the relevant congressional committees a re-
15 port on whether the Director of the Central Intel-
16 ligence Agency has strong, determined leadership
17 committed to accelerating the pace of the reforms
18 underway.

19 (2) TERMINATION.—The duty to submit a re-
20 port under paragraph (1) shall terminate when the
21 Comptroller General certifies to the relevant con-
22 gressional committees that the recommendations of
23 the 9/11 Commission and the policy goals of the In-
24 telligence Reform and Terrorism Prevention Act of
25 2004 (Public Law 108–458) with respect to the Di-

1 rector of the Central Intelligence Agency have been
2 achieved.

3 (e) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that Congress and the leadership of the Central In-
5 telligence Agency should—

6 (1) regularly evaluate the effectiveness of the
7 national clandestine service structure to determine if
8 it improves coordination of human intelligence collec-
9 tion operations and produces better intelligence re-
10 sults; and

11 (2) address morale and personnel issues at the
12 Central Intelligence Agency to ensure the Central
13 Intelligence Agency remains an effective arm of na-
14 tional power.

15 **SEC. 205. REPORT ON INCENTIVES FOR INFORMATION**
16 **SHARING.**

17 (a) REPORT; CERTIFICATION.—Not later than 30
18 days after the date of the enactment of this Act, and every
19 30 days thereafter, the Director of the Office of Manage-
20 ment and Budget, in consultation with the Director of Na-
21 tional Intelligence, shall submit to the relevant congres-
22 sional committees a report on the recommendations of the
23 9/11 Commission and the policy goals of the Intelligence
24 Reform and Terrorism Prevention Act of 2004 (Public
25 Law 108–458) with respect to the creation of incentives

1 for information sharing across the Federal Government
2 and with State and local authorities. Such report shall in-
3 clude—

4 (1) a certification by the Director of the Office
5 of Management and Budget that such recommenda-
6 tions have been implemented and such policy goals
7 have been achieved; or

8 (2) if the Director of the Office of Management
9 and Budget is unable to make the certification de-
10 scribed in paragraph (1), a description of—

11 (A) the steps taken to implement such rec-
12 ommendations and achieve such policy goals;

13 (B) when the Director of National Intel-
14 ligence expects such recommendations to be im-
15 plemented and such policy goals to be achieved;
16 and

17 (C) any allocation of resources or other ac-
18 tions by Congress the Director considers nec-
19 essary to implement such recommendations and
20 achieve such policy goals.

21 (b) TERMINATION OF DUTY TO REPORT.—The duty
22 to submit a report under subsection (a) shall terminate
23 when the Director of the Office of Management and Budg-
24 et submits a certification pursuant to subsection (a)(1).

1 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
2 tor of the Office of Management and Budget submits a
3 certification pursuant to subsection (a)(1), not later than
4 30 days after the submission of such certification, the
5 Comptroller General shall submit to the relevant congres-
6 sional committees a report on whether the recommenda-
7 tions described in subsection (a) have been implemented
8 and whether the policy goals described in subsection (a)
9 have been achieved.

10 **SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NA-**
11 **TIONAL SECURITY INSTITUTIONS IN THE IN-**
12 **FORMATION REVOLUTION.**

13 (a) REPORT; CERTIFICATION.—Not later than 30
14 days after the date of the enactment of this Act, and every
15 30 days thereafter, the Director of the Office of Manage-
16 ment and Budget, in consultation with the Director of Na-
17 tional Intelligence, shall submit to the relevant congres-
18 sional committees a report on the recommendations of the
19 9/11 Commission and the policy goals of the Intelligence
20 Reform and Terrorism Prevention Act of 2004 (Public
21 Law 108–458) with respect to the leadership of the Presi-
22 dent of national security institutions into the information
23 revolution. Such report shall include—

24 (1) a certification by the Director of the Office
25 of Management and Budget that such recommenda-

1 tions have been implemented and such policy goals
2 have been achieved; or

3 (2) if the Director of the Office of Management
4 and Budget is unable to make the certification de-
5 scribed in paragraph (1), a description of—

6 (A) the steps taken to implement such rec-
7 ommendations and achieve such policy goals;

8 (B) when the Director of the Office of
9 Management and Budget expects such rec-
10 ommendations to be implemented and such pol-
11 icy goals to be achieved; and

12 (C) any allocation of resources or other ac-
13 tions by Congress the Director considers nec-
14 essary to implement such recommendations and
15 achieve such policy goals.

16 (b) TERMINATION OF DUTY TO REPORT.—The duty
17 to submit a report under subsection (a) shall terminate
18 when the Director of the Office of Management and Budg-
19 et submits a certification pursuant to subsection (a)(1).

20 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
21 tor of the Office of Management and Budget submits a
22 certification pursuant to subsection (a)(1), not later than
23 30 days after the submission of such certification, the
24 Comptroller General shall submit to the relevant congres-
25 sional committees a report on whether the recommenda-

1 tions described in subsection (a) have been implemented
2 and whether the policy goals described in subsection (a)
3 have been achieved.

4 (d) GAO REPORT ON INFORMATION SYSTEMS.—

5 (1) ANNUAL REPORT.—Not later than 90 days
6 after the date of the enactment of this Act, and an-
7 nually thereafter, the Comptroller General shall sub-
8 mit to the relevant congressional committees a re-
9 port on whether the intelligence community has the
10 resources and Presidential support to change infor-
11 mation systems to enable information sharing, poli-
12 cies and procedures that compel sharing, and sys-
13 tems of performance evaluation to inform personnel
14 on how well they carry out information sharing.

15 (2) TERMINATION.—The duty to submit a re-
16 port under paragraph (1) shall terminate when the
17 Comptroller General certifies to the relevant con-
18 gressional committees that the recommendations of
19 the 9/11 Commission and the policy goals of the In-
20 telligence Reform and Terrorism Prevention Act of
21 2004 (Public Law 108–458) with respect to the
22 leadership of the President of national security insti-
23 tutions into the information revolution have been
24 achieved.

1 **SEC. 207. HOMELAND AIRSPACE DEFENSE.**

2 (a) CERTIFICATION.—Not later than 30 days after
3 the date of the enactment of this Act, and every 30 days
4 thereafter, the Secretary of Homeland Security and the
5 Secretary of Defense shall each submit to the specified
6 congressional committees a certification as to whether the
7 Federal Government has implemented the policy goals of
8 the Intelligence Reform and Terrorism Prevention Act of
9 2004 (Public Law 108–458) and the recommendations of
10 the National Commission on Terrorist Attacks Upon the
11 United States regarding homeland and airspace defense.
12 Each Secretary shall include with such certification rec-
13 ommendations if further congressional action is necessary.
14 If a Secretary is unable to certify the goal in the first
15 sentence, the Secretary shall report to the specified com-
16 mittees what steps have been taken towards implementa-
17 tion, when implementation can reasonably be expected to
18 be completed, and whether additional resources or actions
19 from the Congress are required for implementation.

20 (b) COMPTROLLER GENERAL REPORT.—Within 30
21 days of the submission of both certifications under sub-
22 section (a), the Comptroller General of the United States
23 shall submit to the specified congressional committees a
24 report verifying that the policy referred to in that sub-
25 section has in fact been implemented and recommenda-

1 tions of any additional congressional action necessary to
2 implement the goals referred to in that subsection.

3 (c) SPECIFIED CONGRESSIONAL COMMITTEES.—For
4 purposes of this section, the term “specified congressional
5 committees” means—

6 (1) the Committee on Homeland Security, the
7 Committee on Government Reform, and the Com-
8 mittee on Transportation and Infrastructure of the
9 House of Representatives; and

10 (2) the Committee of Homeland Security and
11 Governmental Affairs and the Committee on Envi-
12 ronment and Public Works of the Senate.

13 **SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATE-**
14 **GIES OF UNITED STATES NORTHERN COM-**
15 **MAND FOR DEFENSE OF THE UNITED STATES**
16 **HOMELAND.**

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 primary responsibility for national de-
21 fense is with the Department of Defense and the
22 secondary responsibility for national defense is with
23 the Department of Homeland Security, and the two
24 departments must have clear delineations of respon-
25 sibility.

1 (2) Before September 11, 2001, the North
2 American Aerospace Defense Command, which had
3 responsibility for defending United States airspace
4 on September 11, 2001—

5 (A) focused on threats coming from out-
6 side the borders of the United States; and

7 (B) had not increased its focus on ter-
8 rorism within the United States, even though
9 the intelligence community had gathered intel-
10 ligence on the possibility that terrorists might
11 turn to hijacking and even the use of airplanes
12 as missiles within the United States.

13 (3) The United States Northern Command has
14 been established to assume responsibility for defense
15 within the United States.

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

18 (1) the Secretary of Defense should regularly
19 assess the adequacy of the plans and strategies of
20 the United States Northern Command with a view
21 to ensuring that the United States Northern Com-
22 mand is prepared to respond effectively to all mili-
23 tary and paramilitary threats within the United
24 States; and

1 (2) the Committee on Armed Services of the
2 Senate and the Committee on Armed Services of the
3 House of Representatives should periodically review
4 and assess the adequacy of those plans and strate-
5 gies.

6 (c) SEMIANNUAL REPORT.—Not later than 90 days
7 after the date of the enactment of this Act, and every 180
8 days thereafter, the Secretary of Defense shall submit to
9 the Committee on Armed Services of the Senate and the
10 Committee on Armed Services of the House of Represent-
11 atives a report describing the plans and strategies of the
12 United States Northern Command to defend the United
13 States against military and paramilitary threats within the
14 United States.

15 **SEC. 209. RELEVANT CONGRESSIONAL COMMITTEES DE-**
16 **FINED.**

17 In this subtitle, the term “relevant congressional
18 committees” means the Committee on Homeland Security,
19 the Committee on Government Reform, and the Perma-
20 nent Select Committee on Intelligence of the House of
21 Representatives and the Committee on Homeland Security
22 and Government Affairs and the Select Committee on In-
23 telligence of the Senate.

1 **Subtitle B—Civil Liberties and**
2 **Executive Power**

3 **SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY**
4 **AND CIVIL LIBERTIES.**

5 (a) REPORT; CERTIFICATION.—Not later than 30
6 days after the date of the enactment of this Act, and every
7 30 days thereafter, the Attorney General shall submit to
8 the relevant congressional committees a report on the rec-
9 ommendations of the 9/11 Commission and the policy
10 goals of the Intelligence Reform and Terrorism Prevention
11 Act of 2004 (Public Law 108–458) with respect to the
12 balance between security and civil liberties. Such report
13 shall include—

14 (1) a certification by the Attorney General that
15 such recommendations have been implemented and
16 such policy goals have been achieved; or

17 (2) if the Attorney General is unable to make
18 the certification described in paragraph (1), a de-
19 scription of—

20 (A) the steps taken to implement such rec-
21 ommendations and achieve such policy goals;

22 (B) when the Attorney General expects
23 such recommendations to be implemented and
24 such policy goals to be achieved; and

1 (C) any allocation of resources or other ac-
2 tions by Congress the Attorney General con-
3 siders necessary to implement such rec-
4 ommendations and achieve such policy goals.

5 (b) TERMINATION OF DUTY TO REPORT.—The duty
6 to submit a report under subsection (a) shall terminate
7 when the Attorney General submits a certification pursu-
8 ant to subsection (a)(1).

9 (c) GAO REVIEW OF CERTIFICATION.—If the Attor-
10 ney General submits a certification pursuant to subsection
11 (a)(1), not later than 30 days after the submission of such
12 certification, the Comptroller General shall submit to the
13 relevant congressional committees a report on whether the
14 recommendations described in subsection (a) have been
15 implemented and whether the policy goals described in
16 subsection (a) have been achieved.

17 **SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
18 **BOARD.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “9/11 Commission Civil Liberties Board Act”.

21 (b) FINDINGS.—Congress finds the following:

22 (1) On July 22, 2004 the National Commission
23 on Terrorist Attacks Upon the United States issued
24 a report that included 41 specific recommendations
25 to help prevent future terrorist attacks, including de-

1 tails of a global strategy and government reorganiza-
2 tion necessary to implement that strategy.

3 (2) One of the recommendations focused on the
4 protections of civil liberties. Specifically the following
5 recommendation was made: “At this time of in-
6 creased and consolidated government authority,
7 there should be a board within the executive branch
8 to oversee adherence to the guidelines we rec-
9 ommend and the commitment the government makes
10 to defend our civil liberties.”.

11 (3) The report also states that “the choice be-
12 tween security and liberty is a false choice, as noth-
13 ing is more likely to endanger America’s liberties
14 than the success of a terrorist attack at home. Our
15 History has shown that the insecurity threatens lib-
16 erty at home. Yet if our liberties are curtailed, we
17 lose the values that we are struggling to defend.”.

18 (4) On December 17, 2004, Public Law 108–
19 458, the National Intelligence Reform Act, was
20 signed into law. This law created a civil liberties
21 board that does not have the authority necessary to
22 protect civil liberties.

23 (5) The establishment and adequate funding of
24 a Privacy and Civil Liberties Oversight Board was

1 a crucial recommendation made by the 9/11 Com-
2 mission.

3 (6) In its Final Report on 9/11 Commission
4 Recommendations, the Commission noted “very little
5 urgency” and “insufficient” funding as it relates to
6 the establishment of the Privacy and Civil Liberties
7 Oversight Board.

8 (7) While the President’s budget submission for
9 fiscal year 2006 included \$750,000 for the Privacy
10 and Civil Liberties Oversight Board, the President’s
11 budget submission for fiscal year 2007 does not con-
12 tain a funding line for the Board.

13 (c) MAKING THE PRIVACY AND CIVIL LIBERTIES
14 OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of
15 the Intelligence Reform and Terrorism Prevention Act of
16 2004 is amended by striking “within the Executive Office
17 of the President” and inserting “as an independent agency
18 within the Executive branch”.

19 (d) REQUIRING ALL MEMBERS OF THE PRIVACY AND
20 CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY
21 THE SENATE.—Subsection (e) of section 1061 of the In-
22 telligence Reform and Terrorism Prevention Act of 2004
23 is amended to read as follows:

24 “(e) MEMBERSHIP.—

1 “(1) MEMBERS.—The Board shall be composed
2 of a full-time chairman and 4 additional members,
3 who shall be appointed by the President, by and
4 with the advice and consent of the Senate.

5 “(2) QUALIFICATIONS.—Members of the Board
6 shall be selected solely on the basis of their profes-
7 sional qualifications, achievements, public stature,
8 expertise in civil liberties and privacy, and relevant
9 experience, and without regard to political affiliation,
10 but in no event shall more than 3 members of the
11 Board be members of the same political party. The
12 President shall, before appointing an individual who
13 is not a member of the same political party as the
14 President consult with the leadership of that party,
15 if any, in the Senate and House of Representatives.

16 “(3) INCOMPATIBLE OFFICE.—An individual
17 appointed to the Board may not, while serving on
18 the Board, be an elected official, officer, or employee
19 of the Federal Government, other than in the capac-
20 ity as a member of the Board.

21 “(4) TERM.—Each member of the Board shall
22 serve a term of six years, except that—

23 “(A) a member appointed to a term of of-
24 fice after the commencement of such term may

1 serve under such appointment only for the re-
2 mainder of such term;

3 “(B) upon the expiration of the term of of-
4 fice of a member, the member shall continue to
5 serve until the member’s successor has been ap-
6 pointed and qualified, except that no member
7 may serve under this subparagraph—

8 “(i) for more than 60 days when Con-
9 gress is in session unless a nomination to
10 fill the vacancy shall have been submitted
11 to the Senate; or

12 “(ii) after the adjournment sine die of
13 the session of the Senate in which such
14 nomination is submitted; and

15 “(C) the members initially appointed under
16 this subsection shall serve terms of two, three,
17 four, five, and six years, respectively, from the
18 effective date of this Act, with the term of each
19 such member to be designated by the President.

20 “(5) QUORUM AND MEETINGS.—The Board
21 shall meet upon the call of the chairman or a major-
22 ity of its members. Three members of the Board
23 shall constitute a quorum.”.

24 (e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL
25 LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the

1 Intelligence Reform and Terrorism Prevention Act of
2 2004 is amended—

3 (1) so that subparagraph (D) of paragraph (1)
4 reads as follows:

5 “(D) require, by subpoena issued at the di-
6 rection of a majority of the members of the
7 Board, persons (other than departments, agen-
8 cies, and elements of the executive branch) to
9 produce any relevant information, documents,
10 reports, answers, records, accounts, papers, and
11 other documentary or testimonial evidence.”;
12 and

13 (2) so that paragraph (2) reads as follows:

14 “(2) ENFORCEMENT OF SUBPOENA.—In the
15 case of contumacy or failure to obey a subpoena
16 issued under paragraph (1)(D), the United States
17 district court for the judicial district in which the
18 subpoenaed person resides, is served, or may be
19 found may issue an order requiring such person to
20 produce the evidence required by such subpoena.”.

21 (f) REPORTING REQUIREMENTS.—

22 (1) DUTIES OF BOARD.—Paragraph (4) of sec-
23 tion 1061(c) of the Intelligence Reform and Ter-
24 rorism Prevention Act of 2004 is amended to read
25 as follows:

1 “(4) REPORTS.—

2 “(A) RECEIPT, REVIEW, AND SUBMIS-
3 SION.—

4 “(i) IN GENERAL.—The Board shall—

5 “(I) receive and review reports
6 from privacy officers and civil liberties
7 officers described in section 212; and

8 “(II) periodically submit, not less
9 than semiannually, reports to the ap-
10 propriate committees of Congress, in-
11 cluding the Committees on the Judici-
12 ary of the Senate and the House of
13 Representatives, the Committee on
14 Homeland Security and Governmental
15 Affairs of the Senate, the Committee
16 on Government Reform of the House
17 of Representatives, the Select Com-
18 mittee on Intelligence of the Senate,
19 and the Permanent Select Committee
20 on Intelligence of the House of Rep-
21 resentatives, and to the President.

22 Such reports shall be in unclassified form
23 to the greatest extent possible, with a clas-
24 sified annex where necessary.

1 “(ii) CONTENTS.—Not less than 2 re-
2 ports the Board submits each year under
3 clause (i)(II) shall include—

4 “(I) a description of the major
5 activities of the Board during the pre-
6 ceding period;

7 “(II) information on the findings,
8 conclusions, and recommendations of
9 the Board resulting from its advice
10 and oversight functions under sub-
11 section (c);

12 “(III) the minority views on any
13 findings, conclusions, and rec-
14 ommendations of the Board resulting
15 from its advice and oversight func-
16 tions under subsection (c); and

17 “(IV) each proposal reviewed by
18 the Board under subsection (c)(1)
19 that the Board advised against imple-
20 menting, but that notwithstanding
21 such advice, was implemented.

22 “(B) INFORMING THE PUBLIC.—The
23 Board shall—

24 “(i) make its reports, including its re-
25 ports to Congress, available to the public

1 to the greatest extent that is consistent
2 with the protection of classified informa-
3 tion and applicable law; and

4 “(ii) hold public hearings and other-
5 wise inform the public of its activities, as
6 appropriate and in a manner consistent
7 with the protection of classified informa-
8 tion and applicable law.”.

9 (2) PRIVACY AND CIVIL LIBERTIES OFFI-
10 CERS.—Section 1062 of the Intelligence Reform and
11 Terrorism Prevention Act of 2004 is amended to
12 read as follows:

13 **“SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

14 “(a) DESIGNATION AND FUNCTIONS.—The Attorney
15 General, the Secretary of Defense, the Secretary of State,
16 the Secretary of the Treasury, the Secretary of Health and
17 Human Services, the Secretary of Homeland Security, the
18 National Intelligence Director, the Director of the Central
19 Intelligence Agency, any other entity within the intel-
20 ligence community (as defined in section 3 of the National
21 Security Act of 1947 (50 U.S.C. 401a)), and the head of
22 any other department, agency, or element of the executive
23 branch designated by the Privacy and Civil Liberties Over-
24 sight Board to be appropriate for coverage under this sec-
25 tion shall designate not less than 1 senior officer to—

1 “(1) assist the head of such department, agen-
2 cy, or element and other officials of such depart-
3 ment, agency, or element in appropriately consid-
4 ering privacy and civil liberties concerns when such
5 officials are proposing, developing, or implementing
6 laws, regulations, policies, procedures, or guidelines
7 related to efforts to protect the Nation against ter-
8 rorism;

9 “(2) periodically investigate and review depart-
10 ment, agency, or element actions, policies, proce-
11 dures, guidelines, and related laws and their imple-
12 mentation to ensure that such department, agency,
13 or element is adequately considering privacy and
14 civil liberties in its actions;

15 “(3) ensure that such department, agency, or
16 element has adequate procedures to receive, inves-
17 tigate, respond to, and redress complaints from indi-
18 viduals who allege such department, agency, or ele-
19 ment has violated their privacy or civil liberties; and

20 “(4) in providing advice on proposals to retain
21 or enhance a particular governmental power the offi-
22 cer shall consider whether such department, agency,
23 or element has established—

24 “(A) that the power actually enhances se-
25 curity and the need for the power is balanced

1 with the need to protect privacy and civil lib-
2 erties;

3 “(B) that there is adequate supervision of
4 the use by such department, agency, or element
5 of the power to ensure protection of privacy and
6 civil liberties; and

7 “(C) that there are adequate guidelines
8 and oversight to properly confine its use.

9 “(b) EXCEPTION TO DESIGNATION AUTHORITY.—

10 “(1) PRIVACY OFFICERS.—In any department,
11 agency, or element referred to in subsection (a) or
12 designated by the Board, which has a statutorily
13 created privacy officer, such officer shall perform the
14 functions specified in subsection (a) with respect to
15 privacy.

16 “(2) CIVIL LIBERTIES OFFICERS.—In any de-
17 partment, agency, or element referred to in sub-
18 section (a) or designated by the Board, which has a
19 statutorily created civil liberties officer, such officer
20 shall perform the functions specified in subsection
21 (a) with respect to civil liberties.

22 “(c) SUPERVISION AND COORDINATION.—Each pri-
23 vacy officer or civil liberties officer described in subsection
24 (a) or (b) shall—

1 “(1) report directly to the head of the depart-
2 ment, agency, or element concerned; and

3 “(2) coordinate their activities with the Inspec-
4 tor General of such department, agency, or element
5 to avoid duplication of effort.

6 “(d) AGENCY COOPERATION.—The head of each de-
7 partment, agency, or element shall ensure that each pri-
8 vacy officer and civil liberties officer—

9 “(1) has the information, material, and re-
10 sources necessary to fulfill the functions of such offi-
11 cer;

12 “(2) is advised of proposed policy changes;

13 “(3) is consulted by decisionmakers; and

14 “(4) is given access to material and personnel
15 the officer determines to be necessary to carry out
16 the functions of such officer.

17 “(e) REPRISAL FOR MAKING COMPLAINT.—No ac-
18 tion constituting a reprisal, or threat of reprisal, for mak-
19 ing a complaint or for disclosing information to a privacy
20 officer or civil liberties officer described in subsection (a)
21 or (b), or to the Privacy and Civil Liberties Oversight
22 Board, that indicates a possible violation of privacy protec-
23 tions or civil liberties in the administration of the pro-
24 grams and operations of the Federal Government relating
25 to efforts to protect the Nation from terrorism shall be

1 taken by any Federal employee in a position to take such
2 action, unless the complaint was made or the information
3 was disclosed with the knowledge that it was false or with
4 willful disregard for its truth or falsity.

5 “(f) PERIODIC REPORTS.—

6 “(1) IN GENERAL.—The privacy officers and
7 civil liberties officers of each department, agency, or
8 element referred to or described in subsection (a) or
9 (b) shall periodically, but not less than quarterly,
10 submit a report on the activities of such officers—

11 “(A)(i) to the appropriate committees of
12 Congress, including the Committees on the Ju-
13 diciary of the Senate and the House of Rep-
14 resentatives, the Committee on Homeland Secu-
15 rity and Governmental Affairs of the Senate,
16 the Committee on Government Reform of the
17 House of Representatives, the Select Committee
18 on Intelligence of the Senate, and the Perma-
19 nent Select Committee on Intelligence of the
20 House of Representatives;

21 “(ii) to the head of such department, agen-
22 cy, or element; and

23 “(iii) to the Privacy and Civil Liberties
24 Oversight Board; and

1 “(B) which shall be in unclassified form to
2 the greatest extent possible, with a classified
3 annex where necessary.

4 “(2) CONTENTS.—Each report submitted under
5 paragraph (1) shall include information on the dis-
6 charge of each of the functions of the officer con-
7 cerned, including—

8 “(A) information on the number and types
9 of reviews undertaken;

10 “(B) the type of advice provided and the
11 response given to such advice;

12 “(C) the number and nature of the com-
13 plaints received by the department, agency, or
14 element concerned for alleged violations; and

15 “(D) a summary of the disposition of such
16 complaints, the reviews and inquiries conducted,
17 and the impact of the activities of such officer.

18 “(g) INFORMING THE PUBLIC.—Each privacy officer
19 and civil liberties officer shall—

20 “(1) make the reports of such officer, including
21 reports to Congress, available to the public to the
22 greatest extent that is consistent with the protection
23 of classified information and applicable law; and

24 “(2) otherwise inform the public of the activi-
25 ties of such officer, as appropriate and in a manner

1 consistent with the protection of classified informa-
2 tion and applicable law.

3 “(h) SAVINGS CLAUSE.—Nothing in this section shall
4 be construed to limit or otherwise supplant any other au-
5 thorities or responsibilities provided by law to privacy offi-
6 cers or civil liberties officers.

7 “(i) PROTECTIONS FOR HUMAN RESEARCH SUB-
8 JECTS.—The Secretary of Homeland Security shall ensure
9 that the Department of Homeland Security complies with
10 the protections for human research subjects, as described
11 in part 46 of title 45, Code of Federal Regulations, or
12 in equivalent regulations as promulgated by such Sec-
13 retary, with respect to research that is conducted or sup-
14 ported by such Department.”.

15 (g) INCLUSION IN PRESIDENT’S BUDGET SUBMIS-
16 SION TO CONGRESS.—Section 1105(a) of title 31, United
17 States Code, is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(36) a separate statement of the amount of
20 appropriations requested for the Privacy and Civil
21 Liberties Oversight Board.”.

22 (h) REPORT; CERTIFICATION.—

23 (1) REPORT.—Not later than 30 days after the
24 date of the enactment of this Act, and every 30 days
25 thereafter, the Attorney General shall submit to the

1 relevant congressional committees a report on on the
2 extent to which the Administration has achieved and
3 implemented the policy goals of Public Law 108–458
4 and the recommendations of the 9/11 Commission
5 regarding the implementation of the Privacy and
6 Civil Liberties Oversight Board. Such report shall
7 include—

8 (A) a certification by the Attorney General
9 that such recommendations have been imple-
10 mented and such policy goals have been
11 achieved; or

12 (B) if the Attorney General is unable to
13 make the certification described in subpara-
14 graph (A), a description of—

15 (i) the steps taken to implement such
16 recommendations and achieve such policy
17 goals;

18 (ii) when the Attorney General ex-
19 pects such recommendations to be imple-
20 mented and such policy goals to be
21 achieved; and

22 (iii) any allocation of resources or
23 other actions by Congress the Attorney
24 General considers necessary to implement

1 such recommendations and achieve such
2 policy goals.

3 (2) **TERMINATION OF DUTY TO REPORT.**—The
4 duty to submit a report under paragraph (1) shall
5 terminate when the Attorney General submits a cer-
6 tification pursuant to paragraph (1)(A).

7 (3) **GAO REVIEW OF CERTIFICATION.**—If the
8 Attorney General submits a certification pursuant to
9 paragraph (1), not later than 30 days after the sub-
10 mission of such certification, the Comptroller Gen-
11 eral shall submit to the relevant congressional com-
12 mittees a report on whether the recommendations
13 described in paragraph (1) have been implemented
14 and whether the policy goals described in paragraph
15 (1) have been achieved.

16 **SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT**
17 **SHARING OF PERSONAL INFORMATION.**

18 (a) **REPORT.**—Not later than 30 days after the date
19 of the enactment of this Act, and every 30 days thereafter,
20 the Attorney General shall submit to the relevant congres-
21 sional committees a report on on the extent to which the
22 Administration has achieved and implemented the policy
23 goals of Public Law 108–458 and the recommendations
24 of the 9/11 Commission regarding the privacy guidelines

1 for government sharing of personal information. Such re-
2 port shall include—

3 (1) a certification by the Attorney General that
4 such recommendations have been implemented and
5 such policy goals have been achieved; or

6 (2) if the Attorney General is unable to make
7 the certification described in paragraph (1), a de-
8 scription of—

9 (A) the steps taken to implement such rec-
10 ommendations and achieve such policy goals;

11 (B) when the Attorney General expects
12 such recommendations to be implemented and
13 such policy goals to be achieved; and

14 (C) any allocation of resources or other ac-
15 tions by Congress the Attorney General con-
16 siders necessary to implement such rec-
17 ommendations and achieve such policy goals.

18 (b) TERMINATION OF DUTY TO REPORT.—The duty
19 to submit a report under subsection (a) shall terminate
20 when the Attorney General submits a certification pursu-
21 ant to subsection (a)(1).

22 (c) GAO REVIEW OF CERTIFICATION.—If the Attor-
23 ney General submits a certification pursuant to subsection
24 (a), not later than 30 days after the submission of such
25 certification, the Comptroller General shall submit to the

1 relevant congressional committees a report on whether the
 2 recommendations described in paragraph (1) have been
 3 implemented and whether the policy goals described in
 4 subsection (A) have been achieved.

5 **SEC. 214. DEFINITION OF RELEVANT CONGRESSIONAL**
 6 **COMMITTEES FOR SUBTITLE.**

7 As used in this subtitle, the term “relevant commit-
 8 tees” means the Committee on Homeland Security of the
 9 House of Representatives, the Committee on Government
 10 Reform of the House of Representatives, the Committee
 11 on Homeland Security and Governmental Affairs of the
 12 Senate, the Committees on the Judiciary of the Senate
 13 and House of Representatives, the Select Committee on
 14 Intelligence of the Senate, and the Permanent Select Com-
 15 mittee on Intelligence of the House of Representatives.

16 **Subtitle C—Homeland Security**
 17 **Committees**

18 **CHAPTER 1—HOMELAND SECURITY RE-**
 19 **FORM IN THE HOUSE OF REPRESENT-**
 20 **ATIVES**

21 **SEC. 221. COMMITTEE ON HOMELAND SECURITY.**

22 Clause 1 of rule X of the Rules of the House of Rep-
 23 resentatives is amended by redesignating paragraphs (i)
 24 through (s) as paragraphs (j) through (t), respectively,

1 and by inserting after paragraph (h) the following new
2 paragraph:

3 “(i) COMMITTEE ON HOMELAND SECURITY.—

4 “(1) The Department of Homeland Security

5 “(2) Homeland security, generally.

6 The committee shall have exclusive jurisdiction over the
7 matters referred to in subparagraphs (1) and (2).”.

8 **SEC. 222. COMMITTEE ON INTELLIGENCE.**

9 (a) Clause 1 of rule X of the Rules of the House of
10 Representatives (as amended by section 301) is further
11 amended by redesignating paragraphs (k) through (t) as
12 paragraphs (l) through (u), respectively, and by inserting
13 after paragraph (j) (as redesignated by such section) the
14 following new paragraph:

15 “(k) COMMITTEE ON INTELLIGENCE.—

16 “(1) The Director of National Intelligence, the
17 Central Intelligence Agency, the Director of Central
18 Intelligence, and the National Foreign Intelligence
19 Program as defined in section 3(6) of the National
20 Security Act of 1947.

21 “(2) Intelligence and intelligence-related activi-
22 ties of all other departments and agencies of the
23 Government, including the tactical intelligence and
24 intelligence-related activities of the Department of
25 Defense.

1 “(3) The organization or reorganization of a de-
2 partment or agency of the Government to the extent
3 that the organization or reorganization relates to a
4 function or activity involving intelligence or intel-
5 ligence-related activities.

6 “(4) Authorizations for appropriations, both di-
7 rect and indirect, for the following:

8 “(A) The Director of National Intelligence,
9 the Central Intelligence Agency, the Director of
10 Central Intelligence, and the National Foreign
11 Intelligence Program as defined in section 3(6)
12 of the National Security Act of 1947.

13 “(B) Intelligence and intelligence-related
14 activities of all other departments and agencies
15 of the Government, including the tactical intel-
16 ligence and intelligence-related activities of the
17 Department of Defense.

18 “(C) A department, agency, subdivision, or
19 program that is a successor to an agency or
20 program named or referred to in subdivision
21 (A) or (B).

22 The committee shall have exclusive jurisdiction over
23 the matters referred to in subparagraphs (1)
24 through (4).”.

1 (b) Clause 4 of rule X of the Rules of the House of
2 Representatives is amended by adding at the end the fol-
3 lowing new paragraph:

4 “(g)(1) For purposes of accountability to the House,
5 the Committee on Intelligence shall make regular and
6 periodic reports to the House on the nature and extent
7 of the intelligence and intelligence-related activities of the
8 various departments and agencies of the United States.
9 The committee shall promptly call to the attention of the
10 House, or to any other appropriate committee, a matter
11 requiring the attention of the House or another com-
12 mittee. In making such report, the committee shall pro-
13 ceed in a manner consistent with subparagraph (7) to pro-
14 tect national security.

15 “(2) The Committee on Intelligence shall obtain an-
16 nual reports from the Director of National Intelligence,
17 the Director of the Central Intelligence Agency, the Sec-
18 retary of Defense, the Secretary of State, and the Director
19 of the Federal Bureau of Investigation. Such reports shall
20 review the intelligence and intelligence-related activities of
21 the agency or department concerned and the intelligence
22 and intelligence-related activities of foreign countries di-
23 rected at the United States or its interests. An unclassified
24 version of each report may be made available to the public
25 at the discretion of the committee. Nothing herein shall

1 be construed as requiring the public disclosure in such re-
2 ports of the names of persons engaged in intelligence or
3 intelligence-related activities for the United States or the
4 divulging of intelligence methods employed or the sources
5 of information on which the reports are based or the
6 amount of funds authorized to be appropriated for intel-
7 ligence and intelligence-related activities.

8 “(3) Within six weeks after the President submits a
9 budget under section 1105(a) of title 31, United States
10 Code, or at such time as the Committee on the Budget
11 may request, the Committee on Intelligence shall submit
12 to the Committee on the Budget the views and estimates
13 described in section 301(d) of the Congressional Budget
14 Act of 1974 regarding matters within the jurisdiction of
15 the committee.

16 “(4)(A) Except as specified in subdivision (B),
17 clauses 8(a), (b), and (c) and 9(a), (b), and (c) of this
18 rule, and clauses 1, 2, and 4 of rule XI shall apply to
19 the Committee on Intelligence to the extent not incon-
20 sistent with this clause.

21 “(B) Notwithstanding the requirements of the first
22 sentence of clause 2(g)(2) of rule XI, in the presence of
23 the number of members required under the rules of the
24 Committee on Intelligence for the purpose of taking testi-
25 mony or receiving evidence, the committee may vote to

1 close a hearing whenever a majority of those present deter-
2 mines that the testimony or evidence would endanger the
3 national security.

4 “(5) An employee of the Committee on Intelligence,
5 or a person engaged by contract or otherwise to perform
6 services for or at the request of the committee, may not
7 be given access to any classified information by the com-
8 mittee unless such employee or person has—

9 “(A) agreed in writing and under oath to be
10 bound by the Rules of the House, including the ju-
11 risdiction of the Committee on Standards of Official
12 Conduct and of the Committee on Intelligence con-
13 cerning the security of classified information during
14 and after the period of his employment or contrac-
15 tual agreement with the committee; and

16 “(B) received an appropriate security clearance,
17 as determined by the Committee on Intelligence in
18 consultation with the Director of Central Intel-
19 ligence, that is commensurate with the sensitivity of
20 the classified information to which such employee or
21 person will be given access by the committee.

22 “(6) The Committee on Intelligence shall formulate
23 and carry out such rules and procedures as it considers
24 necessary to prevent the disclosure, without the consent
25 of each person concerned, of information in the possession

1 of the committee that unduly infringes on the privacy or
2 that violates the constitutional rights of such person.
3 Nothing herein shall be construed to prevent the com-
4 mittee from publicly disclosing classified information in a
5 case in which it determines that national interest in the
6 disclosure of classified information clearly outweighs any
7 infringement on the privacy of a person.

8 “(7)(A) The Committee on Intelligence may disclose
9 publicly any information in its possession after a deter-
10 mination by the committee that the public interest would
11 be served by such disclosure. With respect to the disclo-
12 sure of information for which this subparagraph requires
13 action by the committee—

14 “(i) the committee shall meet to vote on the
15 matter within five days after a member of the com-
16 mittee requests a vote; and

17 “(ii) a member of the committee may not make
18 such a disclosure before a vote by the committee on
19 the matter, or after a vote by the committee on the
20 matter except in accordance with this subparagraph.

21 “(B)(i) In a case in which the Committee on Intel-
22 ligence votes to disclose publicly any information that has
23 been classified under established security procedures, that
24 has been submitted to it by the executive branch, and that

1 the executive branch requests be kept secret, the com-
2 mittee shall notify the President of such vote.

3 “(ii) The Committee on Intelligence may disclose
4 publicly such information after the expiration of a five-
5 day period following the day on which notice of the vote
6 to disclose is transmitted to the President unless, before
7 the expiration of the five-day period, the President, per-
8 sonally in writing, notifies the committee that he objects
9 to the disclosure of such information, provides his reasons
10 therefor, and certifies that the threat to the national inter-
11 est of the United States posed by the disclosure is of such
12 gravity that it outweighs any public interest in the disclo-
13 sure.

14 “(iii) If the President, personally in writing, notifies
15 the committee of his objections to the disclosure of infor-
16 mation as provided in clause (ii), the committee may, by
17 majority vote, refer the question of the disclosure of such
18 information, with a recommendation thereon, to the
19 House. The committee may not publicly disclose such in-
20 formation without leave of the House.

21 “(iv) Whenever the committee votes to refer the ques-
22 tion of disclosure of any information to the House under
23 clause (iii), the chairman shall, not later than the first
24 day on which the House is in session following the day

1 on which the vote occurs, report the matter to the House
2 for its consideration.

3 “(v) If the chairman of the committee does not offer
4 in the House a motion to consider in closed session a mat-
5 ter reported under clause (iv) within four calendar days
6 on which the House is in session after the recommendation
7 described in clause (iii) is reported, then such a motion
8 shall be privileged when offered by a Member, Delegate,
9 or Resident Commissioner. In either case such a motion
10 shall be decided without debate or intervening motion ex-
11 cept one that the House adjourn.

12 “(vi) Upon adoption by the House of a motion to re-
13 solve into closed session as described in clause (v), the
14 Speaker may declare a recess subject to the call of the
15 Chair. At the expiration of the recess, the pending ques-
16 tion, in closed session, shall be, ‘Shall the House approve
17 the recommendation of the committee?’.

18 “(vii) Debate on the question described in clause (vi)
19 shall be limited to two hours equally divided and controlled
20 by the chairman and ranking minority member of the com-
21 mittee. After such debate the previous question shall be
22 considered as ordered on the question of approving the
23 recommendation without intervening motion except one
24 motion that the House adjourn. The House shall vote on
25 the question in open session but without divulging the in-

1 formation with respect to which the vote is taken. If the
2 recommendation of the committee is not approved, then
3 the question is considered as recommitted to the com-
4 mittee for further recommendation.

5 “(C)(i) Information in the possession of the Com-
6 mittee on Intelligence relating to the lawful intelligence
7 or intelligence-related activities of a department or agency
8 of the United States that has been classified under estab-
9 lished security procedures, and that the committee has de-
10 termined should not be disclosed under subdivision (A) or
11 (B), may not be made available to any person by a Mem-
12 ber, Delegate, Resident Commissioner, officer, or em-
13 ployee of the House except as provided in clause (ii).

14 “(ii) The Committee on Intelligence shall, under such
15 regulations as it may prescribe, make information de-
16 scribed in clause (i) available to a committee or a Member,
17 Delegate, or Resident Commissioner, and permit a Mem-
18 ber, Delegate, or Resident Commissioner to attend a hear-
19 ing of the committee that is closed to the public. Whenever
20 the committee makes such information available, it shall
21 keep a written record showing, in the case of particular
22 information, which committee or which Member, Delegate,
23 or Resident Commissioner received the information. A
24 Member, Delegate, or Resident Commissioner who, and a
25 committee that, receives information under this clause

1 may not disclose the information except in a closed session
2 of the House.

3 “(D) The Committee on Standards of Official Con-
4 duct shall investigate any unauthorized disclosure of intel-
5 ligence or intelligence-related information by a Member,
6 Delegate, Resident Commissioner, officer, or employee of
7 the House in violation of subdivision (C) and report to
8 the House concerning any allegation that it finds to be
9 substantiated.

10 “(E) Upon the request of a person who is subject to
11 an investigation described in subdivision (D), the Com-
12 mittee on Standards of Official Conduct shall release to
13 such person at the conclusion of its investigation a sum-
14 mary of its investigation, together with its findings. If, at
15 the conclusion of its investigation, the Committee on
16 Standards of Official Conduct determines that there has
17 been a significant breach of confidentiality or unauthor-
18 ized disclosure by a Member, Delegate, Resident Commis-
19 sioner, officer, or employee of the House, it shall report
20 its findings to the House and recommend appropriate ac-
21 tion. Recommendations may include censure, removal
22 from committee membership, or expulsion from the House,
23 in the case of a Member, or removal from office or employ-
24 ment or punishment for contempt, in the case of an officer
25 or employee.

1 “(F) The Committee on Intelligence may permit a
2 personal representative of the President, designated by the
3 President to serve as a liaison to the committee, to attend
4 any closed meeting of the committee.

5 “(G) Subject to the Rules of the House, funds may
6 not be appropriated for a fiscal year, with the exception
7 of a bill or joint resolution continuing appropriations, or
8 an amendment thereto, or a conference report thereon, to,
9 or for use of, a department or agency of the United States
10 to carry out any of the following activities, unless the
11 funds shall previously have been authorized by a bill or
12 joint resolution passed by the House during the same or
13 preceding fiscal year to carry out such activity for such
14 fiscal year:

15 “(i) The activities of the Central Intelligence
16 Agency and the Director of Central Intelligence.

17 “(ii) The activities of the Defense Intelligence
18 Agency.

19 “(iii) The activities of the National Security
20 Agency.

21 “(iv) The intelligence and intelligence-related
22 activities of other agencies and subdivisions of the
23 Department of Defense.

24 “(v) The intelligence and intelligence-related ac-
25 tivities of the Department of State.

1 “(vi) The intelligence and intelligence-related
2 activities of the Federal Bureau of Investigation, in-
3 cluding all activities of the Intelligence Division.

4 “(vii) The activities of the Director of National
5 Intelligence.

6 “(H)(i) In this clause, the term ‘intelligence and in-
7 telligence-related activities’ includes—

8 “(I) the collection, analysis, production, dis-
9 semination, or use of information that relates to a
10 foreign country, or a government, political group,
11 party, military force, movement, or other association
12 in a foreign country, and that relates to the defense,
13 foreign policy, national security, or related policies of
14 the United States and other activity in support of
15 the collection, analysis, production, dissemination, or
16 use of such information;

17 “(II) activities taken to counter similar activi-
18 ties directed against the United States;

19 “(III) covert or clandestine activities affecting
20 the relations of the United States with a foreign
21 government, political group, party, military force,
22 movement, or other association;

23 “(IV) the collection, analysis, production, dis-
24 semination, or use of information about activities of
25 persons within the United States, its territories and

1 possessions, or nationals of the United States abroad
2 whose political and related activities pose, or may be
3 considered by a department, agency, bureau, office,
4 division, instrumentality, or employee of the United
5 States to pose, a threat to the internal security of
6 the United States; and

7 “(V) covert or clandestine activities directed
8 against persons described in (IV).

9 “(ii) In this clause, the term ‘department or agency’
10 includes any organization, committee, council, establish-
11 ment, or office within the Federal Government.

12 “(iii) For purposes of this clause, reference to a de-
13 partment, agency, bureau, or subdivision shall include a
14 reference to any successor department, agency, bureau, or
15 subdivision to the extent that a successor engages in intel-
16 ligence or intelligence-related activities now conducted by
17 the department, agency, bureau, or subdivision referred to
18 in this clause.

19 “(I) Clause 12(a) of rule XXII does not apply to
20 meetings of a conference committee respecting legislation
21 (or any part thereof) reported by the Committee on Intel-
22 ligence.”.

23 (c) Clause 5(a) of rule X of the Rules of the House
24 of Representatives is amended by adding at the end the
25 following new subparagraph:

1 “(4)(A) The Committee on Intelligence shall be com-
2 posed of not more than 18 Members, Delegates, or the
3 Resident Commissioner, of whom not more than 10 may
4 be from the same party. The committee shall include at
5 least one Member, Delegate, or the Resident Commis-
6 sioner from each of the following committees:

7 “(i) The Committee on Appropriations.

8 “(ii) The Committee on Armed Services.

9 “(iii) The Committee on International Rela-
10 tions.

11 “(iv) The Committee on the Judiciary.

12 “(B) The Speaker and the Minority Leader shall be
13 ex officio members of the Committee on Intelligence, but
14 shall have no vote in the committee and may not be count-
15 ed for purposes of determining a quorum.

16 “(C) The Speaker and Minority Leader each may
17 designate a member of his leadership staff to assist him
18 in his capacity as ex officio member, with the same access
19 to committee meetings, hearings, briefings, and materials
20 as employees of the committee and subject to the same
21 security clearance and confidentiality requirements as em-
22 ployees of the committee under this clause.”.

1 **SEC. 223. SUBCOMMITTEE LIMITATION ON COMMITTEE ON**
2 **APPROPRIATIONS.**

3 The second sentence of clause 5(d)(2) of rule X of
4 the Rules of the House of Representatives is amended by
5 striking “13” and inserting “14 (of which one is a Sub-
6 committee on Intelligence)”.

7 **SEC. 224. MEMBERSHIP ON COMMITTEE ON APPROPRIA-**
8 **TIONS.**

9 Clause 5 of rule X of the Rules of the House of Rep-
10 resentatives is amended by adding at the end the following
11 new paragraph:

12 “(f) One-third of the members of the Committee on
13 Intelligence (but if such number is not an even-number
14 divisible by three, then the next highest even-number that
15 is divisible by three) shall be members of the Committee
16 on Appropriations, of whom not more than one-half shall
17 be from the same party.”.

18 **SEC. 225. CONFORMING AMENDMENTS.**

19 (a) Clause 3(l) of rule X of the Rules of the House
20 of Representatives is amended by striking “Permanent Se-
21 lect” and by striking “clause 11(b)(1)(A)” and inserting
22 “clause 1(k)”.

23 (b) Clause 9(a)(2) of rule X of the Rules of the House
24 of Representatives is amended by striking “Permanent Se-
25 lect”.

1 (c) Clause 11 of rule 10 of the Rules of the House
2 of Representatives is repealed.

3 (d) Clause 2(g)(2)(D) of rule 11 of the Rules of the
4 House of Representatives is amended by striking “Perma-
5 nent Select”.

6 **CHAPTER 2—HOMELAND SECURITY**
7 **OVERSIGHT REFORM IN THE SENATE**
8 **Subchapter A—Homeland Security**

9 **SEC. 231. HOMELAND SECURITY.**

10 (a) COMMITTEE ON HOMELAND SECURITY AND GOV-
11 ERNMENT AFFAIRS.—The Committee on Governmental
12 Affairs is renamed as the Committee on Homeland Secu-
13 rity and Governmental Affairs.

14 (b) JURISDICTION.—There shall be referred to the
15 committee all proposed legislation, messages, petitions,
16 memorials, and other matters relating to the following
17 subjects:

18 (1) Department of Homeland Security, except
19 matters relating to the Coast Guard, the Transpor-
20 tation Security Administration, the Federal Law En-
21 forcement Training Center, and the revenue func-
22 tions of the Customs Service.

23 (2) Archives of the United States.

1 (3) Budget and accounting measures, other
2 than appropriations, except as provided in the Con-
3 gressional Budget Act of 1974.

4 (4) Census and collection of statistics, including
5 economic and social statistics.

6 (5) Congressional organization, except for any
7 part of the matter that amends the rules or orders
8 of the Senate.

9 (6) Federal Civil Service.

10 (7) Government information.

11 (8) Intergovernmental relations.

12 (9) Municipal affairs of the District of Colum-
13 bia, except appropriations therefor.

14 (10) Organization and management of United
15 States nuclear export policy.

16 (11) Organization and reorganization of the ex-
17 ecutive branch of the Government.

18 (12) Postal Service.

19 (13) Status of officers and employees of the
20 United States, including their classification, com-
21 pensation, and benefits.

22 (c) ADDITIONAL DUTIES.—The committee shall have
23 the duty of—

24 (1) receiving and examining reports of the
25 Comptroller General of the United States and of

1 submitting such recommendations to the Senate as
2 it deems necessary or desirable in connection with
3 the subject matter of such reports;

4 (2) studying the efficiency, economy, and effec-
5 tiveness of all agencies and departments of the Gov-
6 ernment;

7 (3) evaluating the effects of laws enacted to re-
8 organize the legislative and executive branches of the
9 Government; and

10 (4) studying the intergovernmental relation-
11 ships between the United States and the States and
12 municipalities, and between the United States and
13 international organizations of which the United
14 States is a member.

15 (d) JURISDICTION OF SENATE COMMITTEES.—The
16 jurisdiction of the Committee on Homeland Security and
17 Governmental Affairs provided in subsection (b)(1) shall
18 supersede the jurisdiction of any other committee of the
19 Senate provided in the rules of the Senate.

20 **Subchapter B—Intelligence Oversight**

21 **Reform**

22 **SEC. 241. INTELLIGENCE OVERSIGHT.**

23 (a) COMMITTEE ON ARMED SERVICES MEMBER-
24 SHIP.—Section 2(a)(3) of Senate Resolution 400, agreed

1 to May 19, 1976 (94th Congress) (referred to in this sec-
2 tion as “S. Res. 400”) is amended by—

3 (1) inserting “(A)” after “(3)”;

4 (2) inserting at the end the following:

5 “(B) The Chairman and Ranking Member
6 of the Committee on Armed Services (if not al-
7 ready a member of the select Committee) shall
8 be ex officio members of the select Committee
9 but shall have no vote in the Committee and
10 shall not be counted for purposes of deter-
11 mining a quorum.”.

12 (b) NUMBER OF MEMBERS.—Section 2(a) of S. Res.
13 400 is amended—

14 (1) in paragraph (1), by inserting “not to ex-
15 ceed” before “fifteen members”;

16 (2) in paragraph (1)(E), by inserting “not to
17 exceed” before “seven”; and

18 (3) in paragraph (2), by striking the second
19 sentence and inserting “Of any members appointed
20 under paragraph (1)(E), the majority leader shall
21 appoint the majority members and the minority
22 leader shall appoint the minority members, with the
23 majority having a one vote margin.”.

24 (c) ELIMINATION OF TERM LIMITS.—Section 2 of
25 Senate Resolution 400, 94th Congress, agreed to May 19,

1 1976, is amended by striking subsection (b) and by redese-
2 ignating subsection (c) as subsection (b).

3 (d) APPOINTMENT OF CHAIRMAN AND VICE CHAIR-
4 MAN.—Section 2(b) of S. Res. 400, as redesignated by
5 subsection (c) of this section, is amended by striking the
6 first sentence and inserting the following: “At the begin-
7 ning of each Congress, the Majority Leader of the Senate
8 shall select a chairman of the select Committee and the
9 Minority Leader shall select a vice chairman for the select
10 Committee.”.

11 (e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as
12 amended by subsections (a) through (d), is amended by
13 adding at the end the following:

14 “(c) The select Committee may be organized into sub-
15 committees. Each subcommittee shall have a chairman
16 and a vice chairman who are selected by the Chairman
17 and Vice Chairman of the select Committee, respectively.”.

18 (f) REPORTS.—Section 4(a) of S. Res. 400 is amend-
19 ed by inserting “, but not less than quarterly,” after “peri-
20 odic”.

21 (g) STAFF.—Section 15 of S. Res. 400 is amended
22 to read as follows:

23 “SEC. 15. (a) The select Committee shall hire or ap-
24 point one employee for each member of the select Com-
25 mittee to serve as such Member’s designated representa-

1 tive on the select Committee. The select Committee shall
2 only hire or appoint an employee chosen by the respective
3 Member of the select Committee for whom the employee
4 will serve as the designated representative on the select
5 Committee.

6 “(b) The select Committee shall be afforded a supple-
7 ment to its budget, to be determined by the Committee
8 on Rules and Administration, to allow for the hire of each
9 employee who fills the position of designated representa-
10 tive to the select Committee. The designated representa-
11 tive shall have office space and appropriate office equip-
12 ment in the select Committee spaces, and shall have full
13 access to select Committee staff, information, records, and
14 databases.

15 “(c) The designated employee shall meet all the re-
16 quirements of relevant statutes, Senate rules, and com-
17 mittee clearance requirements for employment by the se-
18 lect Committee.”.

19 (h) NOMINEES.—S. Res. 400 is amended by adding
20 at the end the following:

21 “SEC. 17. (a) The select Committee shall have juris-
22 diction for reviewing, holding hearings, and voting on civil-
23 ian persons nominated by the President to fill a position
24 within the intelligence community that requires the advice
25 and consent of the Senate.

1 “(b) Other committees with jurisdiction over the
2 nominees’ executive branch department may hold hearings
3 and interviews with that person.”.

4 **Subchapter C—Committee Status**

5 **SEC. 251. COMMITTEE STATUS.**

6 (a) **HOMELAND SECURITY.**—The Committee on
7 Homeland Security and Governmental Affairs shall be
8 treated as the Committee on Governmental Affairs listed
9 under paragraph 2 of rule XXV of the Standing Rules
10 of the Senate for purposes of the Standing Rules of the
11 Senate.

12 (b) **INTELLIGENCE.**—The Select Committee on Intel-
13 ligence shall be treated as a committee listed under para-
14 graph 2 of rule XXV of the Standing Rules of the Senate
15 for purposes of the Standing Rules of the Senate.

16 **Subchapter D—Intelligence-Related** 17 **Subcommittees**

18 **SEC. 261. SUBCOMMITTEE RELATED TO INTELLIGENCE** 19 **OVERSIGHT.**

20 (a) **ESTABLISHMENT.**—There is established in the
21 Select Committee on Intelligence a Subcommittee on Over-
22 sight which shall be in addition to any other subcommittee
23 established by the select Committee.

1 (b) RESPONSIBILITY.—The Subcommittee on Over-
 2 sight shall be responsible for ongoing oversight of intel-
 3 ligence activities.

4 **SEC. 262. SUBCOMMITTEE RELATED TO INTELLIGENCE AP-
 5 PROPRIATIONS.**

6 (a) ESTABLISHMENT.—There is established in the
 7 Committee on Appropriations a Subcommittee on Intel-
 8 ligence. The Subcommittee on Military Construction shall
 9 be combined with the Subcommittee on Defense into 1
 10 subcommittee.

11 (b) JURISDICTION.—The Subcommittee on Intel-
 12 ligence of the Committee on Appropriations shall have ju-
 13 risdiction over funding for intelligence matters.

14 **CHAPTER 3—EFFECTIVE DATE**

15 **SEC. 271. EFFECTIVE DATE.**

16 This subtitle shall take effect on the convening of the
 17 110th Congress.

18 **Subtitle D—Declassification of
 19 Overall Intelligence Budget**

20 **SEC. 281. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-
 21 LIGENCE FUNDING INFORMATION.**

22 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—
 23 The President shall disclose to the public for each fiscal
 24 year after fiscal year 2005—

1 (1) the aggregate amount of appropriations re-
2 requested in the budget of the President for the fiscal
3 year concerned for the intelligence and intelligence-
4 related activities of the United States Government;
5 and

6 (2) the aggregate amount of appropriations re-
7 requested in the budget of the President for the fiscal
8 year concerned for each element or component of the
9 intelligence community.

10 (b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—
11 Congress shall disclose to the public for each fiscal year
12 after fiscal year 2005—

13 (1) the aggregate amount of funds appropriated
14 by Congress for the fiscal year concerned for the in-
15 telligence and intelligence-related activities of the
16 United States Government; and

17 (2) the aggregate amount of funds appropriated
18 by Congress for the fiscal year concerned for each
19 element or component of the intelligence community.

20 **Subtitle E—Standardize Security**
21 **Clearances**

22 **SEC. 282. STANDARDIZATION OF SECURITY CLEARANCES.**

23 (a) REPORT; CERTIFICATION.—Not later than 30
24 days after the date of the enactment of this Act, and every
25 30 days thereafter, the Director of the Office of Personnel

1 Management, in consultation with the Director of Na-
2 tional Intelligence, the Secretary of Defense, and the Sec-
3 retary of Homeland Security, shall submit to the relevant
4 congressional committees a report on the recommenda-
5 tions of the 9/11 Commission and the policy goals of sec-
6 tion 3001 of the Intelligence Reform and Terrorism Pre-
7 vention Act of 2004 (Public Law 108–458) with respect
8 to security clearances, including with respect to uniform
9 policies and procedures for the completion of security
10 clearances and reciprocal recognition of such security
11 clearances among agencies of the United States Govern-
12 ment. Such report shall include—

13 (1) a certification by the Director of the Office
14 of Personnel Management that such recommenda-
15 tions have been implemented and such policy goals
16 have been achieved; or

17 (2) if the Director of the Office of Personnel
18 Management is unable to make the certification de-
19 scribed in paragraph (1), a description of—

20 (A) the steps taken to implement such rec-
21 ommendations and achieve such policy goals;

22 (B) when the Director of the Office of Per-
23 sonnel Management expects such recommenda-
24 tions to be implemented and such policy goals
25 to be achieved; and

1 (C) any allocation of resources or other ac-
2 tions by Congress the Director considers nec-
3 essary to implement such recommendations and
4 achieve such policy goals.

5 (b) TERMINATION OF DUTY TO REPORT.—The duty
6 to submit a report under subsection (a) shall terminate
7 when the Director of the Office of Personnel Management
8 submits a certification pursuant to subsection (a)(1).

9 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
10 tor of the Office of Personnel Management submits a cer-
11 tification pursuant to subsection (a)(1), not later than 30
12 days after the submission of such certification, the Comp-
13 troller General shall submit to the relevant congressional
14 committees a report on whether the recommendations de-
15 scribed in subsection (a) have been implemented and
16 whether the policy goals described in subsection (a) have
17 been achieved.

18 **TITLE III—FOREIGN POLICY,**
19 **PUBLIC DIPLOMACY, AND**
20 **NONPROLIFERATION**

21 **Subtitle A—Foreign Policy**

22 **SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMIT-**
23 **MENT TO AFGHANISTAN.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Government of the United States—

1 (1) should give priority to providing assistance
2 to Afghanistan to establish a substantial economic
3 infrastructure and a sound economy; and

4 (2) should continue to provide economic and de-
5 velopment assistance to Afghanistan, including as-
6 sistance to the Afghan National Army and the police
7 forces and border police of Afghanistan.

8 (b) REPORT; CERTIFICATION.—Not later than 30
9 days after the date of the enactment of this Act, and every
10 30 days thereafter, the President shall submit to the rel-
11 evant congressional committees a report on the rec-
12 ommendations of the 9/11 Commission and the policy
13 goals of section 305 of of the Afghanistan Freedom Sup-
14 port Act of 2002 (22 U.S.C. 7555) (as added by section
15 7104(e)(4)(A) of the Intelligence Reform and Terrorism
16 Prevention Act of 2004 (Public Law 108–458)) for ensur-
17 ing a long-term commitment to Afghanistan. Such report
18 shall include—

19 (1) a certification by the President that such
20 recommendations have been implemented and such
21 policy goals have been achieved; or

22 (2) if the President is unable to make the cer-
23 tification described in paragraph (1), a description
24 of—

1 (A) the steps taken to implement such rec-
2 ommendations and achieve such policy goals;

3 (B) when the President expects such rec-
4 ommendations to be implemented and such pol-
5 icy goals to be achieved; and

6 (C) any allocation of resources or other ac-
7 tions by Congress the President considers nec-
8 essary to implement such recommendations and
9 achieve such policy goals.

10 (c) TERMINATION OF DUTY TO REPORT.—The duty
11 to submit a report under subsection (b) shall terminate
12 when the President submits a certification pursuant to
13 subsection (b)(1).

14 (d) GAO REVIEW OF CERTIFICATION.—If the Presi-
15 dent submits a certification pursuant to subsection (b)(1),
16 not later than 30 days after the submission of such certifi-
17 cation, the Comptroller General shall submit to the rel-
18 evant congressional committees a report on whether the
19 recommendations described in subsection (b) has been im-
20 plemented and whether the policy goals described in sub-
21 section (b) have been achieved.

22 (e) DEFINITION.—In this section, the term “relevant
23 congressional committees” means—

1 (1) the Committee on International Relations
2 and the Committee on Government Reform of the
3 House of Representatives; and

4 (2) the Committee on Foreign Relations and
5 the Committee on Homeland Security and Govern-
6 mental Affairs of the Senate.

7 **SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EX-**
8 **TREMISTS.**

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

11 (1) the commitment of the President to provide
12 \$3 billion in assistance over the next five years to
13 Pakistan should be commended;

14 (2) the Government of the United States should
15 provide assistance to Pakistan to improve Pakistan’s
16 failing basic education system and to emphasize de-
17 velopment; and

18 (3) the Government of the United States should
19 strongly urge the Government of Pakistan to close
20 Taliban-linked schools known as “madrassas”, close
21 terrorist training camps, and prevent Taliban forces
22 from operating across the border between Pakistan
23 and Afghanistan.

24 (b) REPORT.—Not later than 90 days after the date
25 of the enactment of this Act, the Secretary of State shall

1 submit to the Committee on International Relations of the
2 House of Representatives and the Committee on Foreign
3 Relations of the Senate a report on efforts by the Govern-
4 ment of Pakistan take the actions described in subsection
5 (a)(3).

6 **SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.**

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

9 (1) the Government of the United States and
10 the Government of Saudi Arabia should accelerate
11 efforts to improve strategic dialogue between the two
12 countries, increase exchange programs, and promote
13 pragmatic reforms in Saudi Arabia; and

14 (2) the Government of Saudi Arabia should
15 take additional steps to regulate charities and pro-
16 mote tolerance and moderation.

17 (b) REPORT; CERTIFICATION.—Not later than 30
18 days after the date of the enactment of this Act, and every
19 30 days thereafter, the Secretary of State shall submit to
20 the relevant congressional committees a report on the rec-
21 ommendations of the 9/11 Commission and the policy
22 goals of section 7105 of the Intelligence Reform and Ter-
23 rorism Prevention Act of 2004 (Public Law 108–458) for
24 improving dialogue between the people and Government
25 of the United States and the people and Government of

1 Saudi Arabia in order to improve the relationship between
2 the two countries. Such report shall include—

3 (1) a certification by the Secretary of State
4 that such recommendations have been implemented
5 and such policy goals have been achieved; or

6 (2) if the Secretary of State is unable to make
7 the certification described in paragraph (1), a de-
8 scription of—

9 (A) the steps taken to implement such rec-
10 ommendations and achieve such policy goals;

11 (B) when the Secretary of State expects
12 such recommendations to be implemented and
13 such policy goals to be achieved; and

14 (C) any allocation of resources or other ac-
15 tions by Congress the Secretary of State con-
16 siders necessary to implement such rec-
17 ommendations and achieve such policy goals.

18 (c) TERMINATION OF DUTY TO REPORT.—The duty
19 to submit a report under subsection (b) shall terminate
20 when the Secretary of State submits a certification pursu-
21 ant to subsection (b)(1).

22 (d) GAO REVIEW OF CERTIFICATION.—If the Sec-
23 retary of State submits a certification pursuant to sub-
24 section (b)(1), not later than 30 days after the submission
25 of such certification, the Comptroller General shall submit

1 to the relevant congressional committees a report on
2 whether the recommendations described in subsection (b)
3 have been implemented and whether the policy goals de-
4 scribed in subsection (b) have been achieved.

5 (e) DEFINITION.—In this section, the term “relevant
6 congressional committees” means—

7 (1) the Committee on International Relations
8 and the Committee on Government Reform of the
9 House of Representatives; and

10 (2) the Committee on Foreign Relations and
11 the Committee on Homeland Security and Govern-
12 mental Affairs of the Senate.

13 **SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.**

14 (a) NATIONAL COUNTERTERRORISM CENTER IDEN-
15 TIFICATION OF TERRORIST SANCTUARIES.—Subsection
16 (d) of section 119 of National Security Act of 1947 (50
17 U.S.C. 404o) is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(7) To identify each country whose territory is
20 being used as a sanctuary for terrorists or terrorist
21 organizations and each country whose territory may
22 potentially be used as a sanctuary for terrorists or
23 terrorist organizations and to develop a comprehen-
24 sive strategy to eliminate terrorist sanctuaries.”.

1 (b) REPORT.—Such section is further amended by
2 adding at the end the following new subsection:

3 “(k) REPORT ON TERRORIST SANCTUARIES.—Not
4 later than 90 days after the date of the enactment of this
5 Act, and annually thereafter, the Director of the National
6 Counterterrorism Center shall submit to the Committee
7 on International Relations, the Permanent Select Com-
8 mittee on Intelligence, the Committee on Homeland Secu-
9 rity, and the Committee on Government Reform of the
10 House of Representatives and the Committee on Foreign
11 Relations, the Select Committee on Intelligence, and the
12 Committee on Homeland Security and Governmental Af-
13 fairs of the Senate a report on terrorist sanctuaries, in-
14 cluding a description of the—

15 “(1) countries whose territory is being used as
16 a sanctuary for terrorists or terrorist organizations;

17 “(2) countries whose territory may potentially
18 be used as a sanctuary for terrorists or terrorist or-
19 ganizations;

20 “(3) strategy to eliminate each such sanctuary;
21 and

22 “(4) progress that has been made in accom-
23 plishing such strategy.”.

1 **SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST**
2 **ISLAMIST TERRORISM.**

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

5 (1) should continue to engage other countries in
6 developing a comprehensive coalition strategy
7 against Islamist terrorism; and

8 (2) should use a broader approach to target the
9 roots of terrorism, including developing strategies
10 with other countries to encourage reform efforts in
11 Saudi Arabia and Pakistan, improving educational
12 and economic opportunities in Muslim countries,
13 identifying and eliminating terrorist sanctuaries, and
14 making progress in the Arab-Israeli peace process.

15 (b) REPORT; CERTIFICATION.—Not later than 30
16 days after the date of the enactment of this Act, and every
17 30 days thereafter, the Secretary of State shall submit to
18 the relevant congressional committees a report on the rec-
19 ommendations of the 9/11 Commission and the policy
20 goals of section 7117 of the Intelligence Reform and Ter-
21 rorism Prevention Act of 2004 (Public Law 108–458) for
22 engaging other countries in developing a comprehensive
23 coalition strategy for combating terrorism. Such report
24 shall include—

1 (1) a certification by the Secretary of State
2 that such recommendations have been implemented
3 and such policy goals have been achieved; or

4 (2) if the Secretary of State is unable to make
5 the certification described in paragraph (1), a de-
6 scription of—

7 (A) the steps taken to implement such rec-
8 ommendations and achieve such policy goals;

9 (B) when the Secretary of State expects
10 such recommendations to be implemented and
11 such policy goals to be achieved; and

12 (C) any allocation of resources or other ac-
13 tions by Congress the Secretary of State con-
14 siders necessary to implement such rec-
15 ommendations and achieve such policy goals.

16 (c) TERMINATION OF DUTY TO REPORT.—The duty
17 to submit a report under subsection (b) shall terminate
18 when the Secretary of State submits a certification pursu-
19 ant to subsection (b)(1).

20 (d) GAO REVIEW OF CERTIFICATION.—If the Sec-
21 retary of State submits a certification pursuant to sub-
22 section (b)(1), not later than 30 days after the submission
23 of such certification, the Comptroller General shall submit
24 to the relevant congressional committees a report on
25 whether the recommendations described in subsection (b)

1 have been implemented and whether the policy goals de-
2 scribed in subsection (b) have been achieved.

3 (e) DEFINITION.—In this section, the term “relevant
4 congressional committees” means—

5 (1) the Committee on International Relations
6 and the Committee on Government Reform of the
7 House of Representatives; and

8 (2) the Committee on Foreign Relations and
9 the Committee on Homeland Security and Govern-
10 mental Affairs of the Senate.

11 **SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE**
12 **TREATMENT OF CAPTURED TERRORISTS.**

13 (a) REPORT; CERTIFICATION.—Not later than 30
14 days after the date of the enactment of this Act, and every
15 30 days thereafter, the Secretary of State, in consultation
16 with the Attorney General, shall submit to the relevant
17 congressional committees a report on the recommenda-
18 tions of the 9/11 Commission for engaging United States
19 allies to develop a common coalition approach toward the
20 detention and humane treatment of captured terrorists
21 and the policy goals of sections 1002, 1003, and 1005 of
22 the Department of Defense, Emergency Supplemental Ap-
23 propriations to Address Hurricanes in the Gulf of Mexico,
24 and Pandemic Influenza Act, 2006 (Public Law 109–148).
25 Such report shall include—

1 (1) a certification by the Secretary of State
2 that such recommendations have been implemented
3 and such policy goals have been achieved; or

4 (2) if the Secretary of State is unable to make
5 the certification described in paragraph (1), a de-
6 scription of—

7 (A) the steps taken to implement such rec-
8 ommendations and achieve such policy goals;

9 (B) when the Secretary of State expects
10 such recommendations to be implemented and
11 such policy goals to be achieved; and

12 (C) any allocation of resources or other ac-
13 tions by Congress the Secretary of State con-
14 siders necessary to implement such rec-
15 ommendations and achieve such policy goals.

16 (b) TERMINATION OF DUTY TO REPORT.—The duty
17 to submit a report under subsection (a) shall terminate
18 when the Secretary of State submits a certification pursu-
19 ant to subsection (a)(1).

20 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
21 retary of State submits a certification pursuant to sub-
22 section (a)(1), not later than 30 days after the submission
23 of such certification, the Comptroller General shall submit
24 to the relevant congressional committees a report on
25 whether the recommendations described in subsection (a)

1 have been implemented and whether the policy goals de-
2 scribed in subsection (a) have been achieved.

3 (d) DEFINITION.—In this section, the term “relevant
4 congressional committees” means—

5 (1) the Committee on International Relations,
6 the Committee on Armed Services, and the Com-
7 mittee on Government Reform of the House of Rep-
8 resentatives; and

9 (2) the Committee on Foreign Relations, the
10 Committee on Armed Services, and the Committee
11 on Homeland Security and Governmental Affairs of
12 the Senate.

13 **SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TER-**
14 **RORISM.**

15 (a) REPORT; CERTIFICATION.—Not later than 30
16 days after the date of the enactment of this Act, and every
17 30 days thereafter, the Secretary of State, in consultation
18 with the United States Trade Representative, shall submit
19 to the relevant congressional committees a report on the
20 recommendations of the 9/11 Commission and the policy
21 goals of section 7115 of the Intelligence Reform and Ter-
22 rorism Prevention Act of 2004 (Public Law 108–458) for
23 developing economic policies to combat terrorism. Such re-
24 port shall include—

1 (1) a certification by the Secretary of State
2 that such recommendations have been implemented
3 and such policy goals have been achieved, including
4 a description of the extent to which the policy goals
5 of paragraphs (1) through (4) of section 7115(b) of
6 the Intelligence Reform and Terrorism Prevention
7 Act of 2004 have been achieved; or

8 (2) if the Secretary of State is unable to make
9 the certification described in paragraph (1), a de-
10 scription of—

11 (A) the steps taken to implement such rec-
12 ommendations and achieve such policy goals;

13 (B) when the Secretary of State expects
14 such recommendations to be implemented and
15 such policy goals to be achieved; and

16 (C) any allocation of resources or other ac-
17 tions by Congress the Secretary of State con-
18 siders necessary to implement such rec-
19 ommendations and achieve such policy goals.

20 (b) **TERMINATION OF DUTY TO REPORT.**—The duty
21 to submit a report under subsection (a) shall terminate
22 when the Secretary of State submits a certification pursu-
23 ant to subsection (a)(1).

24 (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-
25 retary of State submits a certification pursuant to sub-

1 section (a)(1), not later than 30 days after the submission
2 of such certification, the Comptroller General shall submit
3 to the relevant congressional committees a report on
4 whether the recommendations described in subsection (a)
5 have been implemented and whether the policy goals de-
6 scribed in subsection (a) have been achieved.

7 (d) DEFINITION.—In this section, the term “relevant
8 congressional committees” means—

9 (1) the Committee on International Relations
10 and the Committee on Government Reform of the
11 House of Representatives; and

12 (2) the Committee on Foreign Relations and
13 the Committee on Homeland Security and Govern-
14 mental Affairs of the Senate.

15 **SEC. 308. ACTIONS TO ENSURE VIGOROUS EFFORTS**
16 **AGAINST TERRORIST FINANCING.**

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

18 (1) Financial institutions have too little infor-
19 mation about money laundering and terrorist financ-
20 ing compliance in other markets.

21 (2) The current Financial Action Task Force
22 designation system does not adequately represent
23 the progress countries are making in combatting
24 money laundering.

1 (3) Lack of information about the compliance
2 of countries with anti-money laundering standards
3 exposes United States financial markets to excessive
4 risk.

5 (4) Failure to designate countries that fail to
6 make progress in combatting terrorist financing and
7 money laundering eliminates incentives for internal
8 reform.

9 (5) The Secretary of the Treasury has an af-
10 firmative duty to provide to financial institutions
11 and examiners the best possible information on com-
12 pliance with anti-money laundering and terrorist fi-
13 nancing initiatives in other markets.

14 (b) REPORT.—Not later than March 1 of each year,
15 the Secretary of the Treasury shall submit to relevant con-
16 gressional committees a report that identifies the applica-
17 ble standards of each country against money laundering
18 and states whether that country is a country of primary
19 money laundering concern under section 5318A of title 31,
20 United States Code. The report shall include—

21 (1) information on the effectiveness of each
22 country in meeting its standards against money
23 laundering;

24 (2) a determination of whether that the efforts
25 of that country to combat money laundering and ter-

1 rorist financing are adequate, improving, or inad-
2 equate; and

3 (3) the efforts made by the Secretary to provide
4 to the government of each such country of concern
5 technical assistance to cease the activities that were
6 the basis for the determination that the country was
7 of primary money laundering concern.

8 (c) DISSEMINATION OF INFORMATION IN REPORT.—

9 The Secretary of the Treasury shall make available to the
10 Federal Financial Institutions Examination Council for
11 incorporation into the examination process, in consultation
12 with Federal banking agencies, and to financial institu-
13 tions the information contained in the report submitted
14 under subsection (b). Such information shall be made
15 available to financial institutions without cost.

16 (d) DEFINITIONS.—In this section:

17 (1) FINANCIAL INSTITUTION.—The term “fi-
18 nancial institution” has the meaning given that term
19 in section 5312(a)(2) of title 31, United States
20 Code.

21 (2) RELEVANT CONGRESSIONAL COMMIT-
22 TEES.—The term “relevant congressional commit-
23 tees” means—

24 (A) the Committee on Financial Services,
25 the Committee on Government Reform, and the

1 Committee on the Judiciary of the House of
2 Representatives; and

3 (B) the Committee on Banking, Housing,
4 and Urban Affairs, the Committee on Home-
5 land Security and Governmental Affairs, and
6 the Committee on the Judiciary of the Senate.

7 **Subtitle B—Public Diplomacy**

8 **SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE** 9 **DEPARTMENT OF STATE AND PUBLIC DIPLO-** 10 **MACY TRAINING OF MEMBERS OF THE FOR-** 11 **EIGN SERVICE.**

12 (a) REPORT; CERTIFICATION.—Not later than 30
13 days after the date of the enactment of this Act, and every
14 30 days thereafter, the Secretary of State shall submit to
15 the relevant congressional committees a report on the rec-
16 ommendations of the 9/11 Commission and the policy
17 goals of sections 7109 and 7110 the Intelligence Reform
18 and Terrorism Prevention Act of 2004 (Public Law 108–
19 458), and the amendments made by such sections, regard-
20 ing the public diplomacy responsibilities of the Depart-
21 ment of State and public diplomacy training of members
22 of the Foreign Service. Such report shall include—

23 (1) a certification by the Secretary of State
24 that such recommendations have been implemented
25 and such policy goals have been achieved; or

1 (2) if the Secretary of State is unable to make
2 the certification described in paragraph (1), a de-
3 scription of—

4 (A) the steps taken to implement such rec-
5 ommendations and achieve such policy goals;

6 (B) when the Secretary of State expects
7 such recommendations to be implemented and
8 such policy goals to be achieved; and

9 (C) any allocation of resources or other ac-
10 tions by Congress the Secretary of State con-
11 siders necessary to implement such rec-
12 ommendations and achieve such policy goals.

13 (b) TERMINATION OF DUTY TO REPORT.—The duty
14 to submit a report under subsection (a) shall terminate
15 when the Secretary of State submits a certification pursu-
16 ant to subsection (a)(1).

17 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
18 retary of State submits a certification pursuant to sub-
19 section (a)(1), not later than 30 days after the submission
20 of such certification, the Comptroller General shall submit
21 to the relevant congressional committees a report on
22 whether the recommendations described in subsection (a)
23 have been implemented and whether the policy goals de-
24 scribed in subsection (a) have been achieved.

1 (d) DEFINITION.—In this section, the term “relevant
2 congressional committees” means—

3 (1) the Committee on International Relations
4 and the Committee on Government Reform of the
5 House of Representatives; and

6 (2) the Committee on Foreign Relations and
7 the Committee on Homeland Security and Govern-
8 mental Affairs of the Senate.

9 **SEC. 312. INTERNATIONAL BROADCASTING.**

10 (a) REPORT.—Not later than 90 days after the date
11 of the enactment of this Act, the Broadcasting Board of
12 Governors shall submit to the relevant congress-
13 mittees a report on—

14 (1) the activities of Radio Sawa and Radio Al-
15 Hurra; and

16 (2) the extent to which the activities of Radio
17 Sawa and Radio Al-Hurra have been successful, in-
18 cluding an analysis of impact of the activities on the
19 audience and audience demographics and whether or
20 not funding is adequate to carry out the activities.

21 (b) DEFINITION.—In this section, the term “relevant
22 congressional committees” means—

23 (1) the Committee on International Relations
24 and the Committee on Government Reform of the
25 House of Representatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate.

4 **SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP,**
5 **EXCHANGE, AND LIBRARY PROGRAMS IN THE**
6 **ISLAMIC WORLD.**

7 (a) REPORT; CERTIFICATION.—Not later than 30
8 days after the date of the enactment of this Act, and every
9 30 days thereafter, the Secretary of State shall submit to
10 the relevant congressional committees a report on the rec-
11 ommendations of the 9/11 Commission and the policy
12 goals of sections 7112 of the Intelligence Reform and Ter-
13 rorism Prevention Act of 2004 (Public Law 108–458) for
14 expanding United States scholarship, exchange, and li-
15 brary programs in the Islamic world. Such report shall
16 include—

17 (1) a certification by the Secretary of State
18 that such recommendations have been implemented
19 and such policy goals have been achieved; or

20 (2) if the Secretary of State is unable to make
21 the certification described in paragraph (1), a de-
22 scription of—

23 (A) the steps taken to implement such rec-
24 ommendations and achieve such policy goals;

1 (B) when the Secretary of State expects
2 such recommendations to be implemented and
3 such policy goals to be achieved; and

4 (C) any allocation of resources or other ac-
5 tions by Congress the Secretary of State con-
6 siders necessary to implement such rec-
7 ommendations and achieve such policy goals.

8 (b) TERMINATION OF DUTY TO REPORT.—The duty
9 to submit a report under subsection (a) shall terminate
10 when the Secretary of State submits a certification pursu-
11 ant to subsection (a)(1).

12 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-
13 retary of State submits a certification pursuant to sub-
14 section (a)(1), not later than 30 days after the submission
15 of such certification, the Comptroller General shall submit
16 to the relevant congressional committees a report on
17 whether the recommendations described in subsection (a)
18 have been implemented and whether the policy goals de-
19 scribed in subsection (a) have been achieved.

20 (d) DEFINITION.—In this section, the term “relevant
21 congressional committees” means—

22 (1) the Committee on International Relations
23 and the Committee on Government Reform of the
24 House of Representatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate.

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

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

7 (1) the Middle East Partnership Initiative
8 (MEPI) and the United States Agency for Inter-
9 national Development should be commended for ini-
10 tiating programs in predominantly Muslim countries
11 to support secular education improvements and the
12 teaching of English, including programs that focus
13 on the education of women;

14 (2) the secular education programs of MEPI
15 and the United States Agency for International De-
16 velopment are a constructive start to answering the
17 challenge of secular education in predominantly
18 Muslim countries ;

19 (3) the secular education programs of MEPI
20 and the United States Agency for International De-
21 velopment should be components of an overall strat-
22 egy for educational assistance—itself one component
23 of an overall United States strategy for
24 counterterrorism—targeted where the need and the

1 benefit to the national security of the United States
2 are greatest; and

3 (4) upon formation of a broader strategy for
4 international educational assistance targeted toward
5 the Middle East, a significant increase in funding
6 for these initiatives should be provided.

7 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—
8 There are authorized to be appropriated to the Secretary
9 of State \$50,000,000 for each of the fiscal years 2007 and
10 2008 to support the establishment of an International
11 Youth Opportunity Fund pursuant to section 7114 of the
12 Intelligence Reform and Terrorism Prevention Act of
13 2004 (Public Law 108–458).

14 **Subtitle C—Nonproliferation**

15 **SEC. 321. SHORT TITLE.**

16 This subtitle may be cited as the “Omnibus Non-
17 proliferation and Anti-Nuclear Terrorism Act of 2006”.

18 **SEC. 322. FINDINGS.**

19 Congress finds the following:

20 (1) LOOSE NUCLEAR WEAPONS AND MATERIALS
21 IN THE FORMER SOVIET UNION.—

22 (A) There are in the world today enormous
23 stockpiles of nuclear weapons and the materials
24 required to make them. Counting materials
25 both in assembled warheads and in other forms,

1 worldwide totals are estimated to encompass
2 some 1,900 tons of highly enriched uranium
3 (enough for 143,000 nuclear weapons) and
4 1,855 tons of plutonium (enough for 330,000
5 nuclear weapons).

6 (B) The Russian Federation alone is esti-
7 mated to have over 1,000 tons of highly en-
8 riched uranium (enough for over 80,000 nuclear
9 weapons) and 140 tons of plutonium (enough
10 for over 30,000 nuclear weapons).

11 (C) The United States has been working
12 for over a decade to eliminate stockpiles of loose
13 nuclear weapons and materials in the former
14 Soviet Union, but the Department of Energy
15 acknowledges that there is still a need to prop-
16 erly secure about 460 tons of weapons-usable
17 Russian nuclear material (outside of warheads),
18 enough for more than 35,000 nuclear weapons.

19 (D) A recent report by the Central Intel-
20 ligence Agency faulted the security of nuclear
21 arsenal facilities in the Russian Federation and
22 assessed that “undetected smuggling has oc-
23 curred.”

24 (E) There are at least 18 documented inci-
25 dents of “proliferation significant” fissile mate-

1 rial trafficking from facilities in the former So-
2 viet Union between 1991 and 2001. In one inci-
3 dent in 1998, an inside conspiracy at a Russian
4 nuclear weapons facility attempted to steal 18.5
5 kilograms of highly enriched uranium. In an-
6 other incident, 2 kilograms of highly enriched
7 uranium taken from a research facility in
8 Sukhumi, Georgia, has never been recovered.

9 (F) In May 1994, German police found a
10 small but worrisome quantity of supergrade
11 plutonium in the garage of Adolf Jackle. Ex-
12 tremely expensive to produce, this rare item
13 was likely stolen from one of Russia's two pre-
14 mier nuclear weapons laboratories.

15 (G) Comprehensive security upgrades are
16 not yet completed at 90 percent of Russian nu-
17 clear warhead bunkers for Russia's Strategic
18 Rocket Forces.

19 (H) Border security in the former Soviet
20 Union is inconsistent at best. Existing infra-
21 structure helps at the outer borders of the
22 former Soviet Union but many borders internal
23 to the former Soviet Union, such as the border
24 between Kazakhstan and the Russian Federa-
25 tion, exist only on a map.

1 (2) LOOSE NUCLEAR MATERIALS AROUND THE
2 GLOBE.—

3 (A) Dangerous caches of weapons-usable
4 nuclear materials, much of it poorly secured
5 and vulnerable to theft, exist in a multitude of
6 facilities around the world. For example, there
7 are over 130 research reactors in over 40 coun-
8 tries that house highly enriched uranium, some
9 with enough to manufacture an atomic bomb.
10 In total, about 40 tons of highly enriched ura-
11 nium, enough for over 1,000 nuclear weapons,
12 is estimated to remain in civilian research reac-
13 tors.

14 (B) Over the last 50 years, the United
15 States is known to have exported about 27.5
16 tons of highly enriched uranium to 43 countries
17 to help develop nuclear power production or bol-
18 ster scientific initiatives. In 1996, the United
19 States began an effort to recover the more than
20 17.5 tons of the nuclear material that was still
21 overseas, but has recovered only about 1 ton,
22 according to the Department of Energy and the
23 Government Accountability Office.

24 (C) It is especially important to keep high-
25 ly enriched uranium out of terrorists' hands be-

1 cause, with minimal expertise, they could use it
2 to make the simplest, gun-type nuclear weap-
3 on—a device in which a high explosive is used
4 to blow one subcritical piece of highly enriched
5 uranium from one end of a tube into another
6 subcritical piece held at the opposite end of the
7 tube.

8 (D) To Osama bin Laden, acquiring weap-
9 ons of mass destruction is a “religious duty”.
10 Al Qaeda and more than two dozen other ter-
11 rorist groups are pursuing capability to use
12 weapons of mass destruction.

13 (E) Osama bin Laden’s press spokesman,
14 Sulaiman Abu Ghaith, has announced that the
15 group aspires “to kill 4 million Americans, in-
16 cluding 1 million children,” in response to cas-
17 ualties supposedly inflicted on Muslims by the
18 United States and Israel.

19 (F) Al Qaeda documents recovered in Af-
20 ghanistan reveal a determined research effort
21 focused on nuclear weapons.

22 (3) SECURITY STANDARDS FOR ALL NUCLEAR
23 WEAPONS AND MATERIALS.—

1 (A) There are no international binding
2 standards for the secure handling and storage
3 of nuclear weapons and materials.

4 (B) Making a nuclear weapon requires only
5 4 to 5 kilograms of plutonium or 12 to 15 kilo-
6 grams of highly enriched uranium.

7 (C) In October 2001, the United States
8 Government became very concerned that Al
9 Qaeda may have smuggled a 10-kiloton Russian
10 nuclear warhead into New York City. If placed
11 in lower Manhattan, such a device would prob-
12 ably kill 100,000 people instantly, seriously in-
13 jure tens of thousands more, and render the en-
14 tire area uninhabitable for decades to come.

15 (4) RUSSIA'S NUCLEAR EXPERTISE.—

16 (A) Employment at the large nuclear facili-
17 ties in the Russian Federation's 10 closed nu-
18 clear cities is estimated to be in the range of
19 120,000 to 130,000 people, of whom approxi-
20 mately 75,000 were employed on nuclear weap-
21 ons-related work.

22 (B) Poor wages and living conditions in
23 Russian "nuclear cities" have inspired protests
24 and strikes among the employees working in
25 them.

1 (C) Insiders have been caught attempting
2 to smuggle nuclear materials out of these facili-
3 ties, presumably to sell on the lucrative black
4 market.

5 **SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERA-**
6 **TION PROGRAMS IN THE EXECUTIVE OFFICE**
7 **OF THE PRESIDENT.**

8 (a) ESTABLISHMENT.—There is established in the
9 Executive Office of the President an Office of Non-
10 proliferation Programs (in this section referred to as the
11 “Office”).

12 (b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall
13 be at the head of the Office a Director who shall be ap-
14 pointed by the President, by and with the advice and con-
15 sent of the Senate, and who shall be compensated at the
16 rate provided for level II of the Executive Schedule in sec-
17 tion 5313 of title 5. The President is authorized to appoint
18 not more than four Associate Directors, by and with the
19 advice and consent of the Senate, who shall be com-
20 pensated at a rate not to exceed that provided for level
21 III of the Executive Schedule in section 5314 of such title.
22 Associate Directors shall perform such functions as the
23 Director may prescribe.

24 (c) PRIMARY FUNCTIONS OF DIRECTOR.—

1 (1) IN GENERAL.—The primary function of the
2 Director is to coordinate and lead—

3 (A) efforts by the United States to curb
4 terrorist access to nuclear technology, mate-
5 rials, or expertise; and

6 (B) other United States nonproliferation
7 activities, including nuclear nonproliferation ac-
8 tivities and activities to counter other weapons
9 of mass destruction.

10 (2) SPECIFIC FUNCTIONS.—In addition to such
11 other functions and activities as the President may
12 assign, the Director shall—

13 (A) advise the President, and others within
14 the Executive Office of the President, on the
15 role and effect of such nonproliferation activi-
16 ties on national security and international rela-
17 tions;

18 (B) lead the development and implementa-
19 tion of a plan (including appropriate budgets,
20 other resources, goals, and metrics for assessing
21 progress) to ensure that all the highest-priority
22 actions to prevent terrorists from getting and
23 using nuclear weapons are taken in the shortest
24 possible time, including but not limited to a
25 fast-paced global effort to ensure that every nu-

1 clear warhead and every kilogram of weapons-
2 usable nuclear material worldwide is secured
3 and accounted for, to standards sufficient to de-
4 feat demonstrated terrorist and criminal
5 threats, as rapidly as that objective can be ac-
6 complished;

7 (C) identify obstacles to accelerating and
8 strengthening efforts to prevent terrorists from
9 getting and using nuclear weapons, and raise
10 approaches to overcoming these obstacles for
11 action by the President or other appropriate of-
12 ficials;

13 (D) lead an effort, to be carried out jointly
14 by the various Federal agencies responsible for
15 carrying out such nonproliferation activities, to
16 establish priorities among those activities and
17 to develop and implement strategies and budg-
18 ets that reflect those priorities;

19 (E) build strong partnerships with respect
20 to such nonproliferation activities among Fed-
21 eral, State, and local governments, foreign gov-
22 ernments, international organizations, and non-
23 governmental organizations; and

24 (F) evaluate the scale, quality, and effec-
25 tiveness of the Federal effort with respect to

1 such nonproliferation activities and advise on
2 appropriate actions.

3 **SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE**
4 **THREAT REDUCTION PROGRAMS.**

5 (a) REPEAL OF RESTRICTIONS.—

6 (1) RESTRICTIONS ON ASSISTANCE IN DE-
7 STROYING FORMER SOVIET WEAPONS.—Section
8 211(b) of the Soviet Nuclear Threat Reduction Act
9 of 1991 (22 U.S.C. 2551 note) is repealed.

10 (2) RESTRICTIONS ON AUTHORITY TO CARRY
11 OUT CTR PROGRAMS.—Section 1203(d) of the Coop-
12 erative Threat Reduction Act of 1993 (title XII of
13 Public Law 103–160; 22 U.S.C. 5952(d)) is re-
14 pealed.

15 (3) LIMITATION ON USE OF FUNDS FOR CHEM-
16 ICAL WEAPONS DESTRUCTION.—Section 1305 of the
17 National Defense Authorization Act for Fiscal Year
18 2000 (22 U.S.C. 5952 note) is repealed.

19 (b) EXEMPTION FROM LIMITATIONS.—Cooperative
20 Threat Reduction programs may be carried out notwith-
21 standing any other provision of law, subject to congres-
22 sional notification and reporting requirements that apply
23 to the use of funds available for Cooperative Threat Re-
24 duction programs or the carrying out of projects or activi-
25 ties under such programs.

1 (c) INAPPLICABILITY OF OTHER RESTRICTIONS.—
2 Section 502 of the Freedom for Russia and Emerging
3 Eurasian Democracies and Open Markets Support Act of
4 1992 (22 U.S.C. 5852) shall not apply to any Cooperative
5 Threat Reduction program.

6 **SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT**
7 **OF ENERGY NONPROLIFERATION PROGRAMS.**

8 Section 4301 of the Atomic Energy Defense Act (50
9 U.S.C. 2561) is repealed.

10 **SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPER-**
11 **ATIVE THREAT REDUCTION PROGRAM FUNDS**
12 **OUTSIDE THE FORMER SOVIET UNION.**

13 Section 1308 of the National Defense Authorization
14 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
15 1662; 22 U.S.C. 5963) is amended—

16 (1) by striking “President” each place it ap-
17 pears and inserting “Secretary of Defense”;

18 (2) in subsection (a), by striking “each of the
19 following” and all that follows through the period at
20 the end and inserting the following: “that such
21 project or activity will—

22 “(1) assist the United States in the resolution
23 of a critical emerging proliferation threat; or

1 “(2) permit the United States to take advan-
2 tage of opportunities to achieve long-standing non-
3 proliferation goals.”;

4 (3) by striking subsections (c) and (d); and

5 (4) by redesignating subsection (e) as sub-
6 section (c).

7 **SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTER-**
8 **NATIONAL NUCLEAR MATERIALS PROTEC-**
9 **TION AND COOPERATION PROGRAM FUNDS**
10 **OUTSIDE THE FORMER SOVIET UNION.**

11 Section 3124 of the National Defense Authorization
12 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
13 1747) is amended—

14 (1) by striking “President” each place it ap-
15 pears and inserting “Secretary of Energy”;

16 (2) in subsection (a), by striking “each of the
17 following” and all that follows through the period at
18 the end and inserting the following: “that such
19 project or activity will—

20 “(1) assist the United States in the resolution
21 of a critical emerging proliferation threat; or

22 “(2) permit the United States to take advan-
23 tage of opportunities to achieve long-standing non-
24 proliferation goals.”;

25 (3) by striking subsections (c) and (d); and

1 (4) by redesignating subsection (e) as sub-
2 section (c).

3 **SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS**
4 **CONTROL AGREEMENTS AND NON-**
5 **PROLIFERATION COMMITMENTS.**

6 (a) **REPORTS REQUIRED.**—At least annually, the
7 Secretary of State shall submit to the appropriate congres-
8 sional committees a report on each country in which a Co-
9 operative Threat Reduction program is being carried out.

10 The report shall describe that country’s commitments to—

11 (1) making substantial national investments in
12 infrastructure to secure, safeguard, and destroy
13 weapons of mass destruction;

14 (2) forgoing any military modernization exceed-
15 ing legitimate defense requirements, including re-
16 placement of weapons of mass destruction;

17 (3) forgoing any use of fissionable materials or
18 any other components of deactivated nuclear weap-
19 ons in a new nuclear weapons program;

20 (4) complying with all relevant arms control
21 agreements;

22 (5) adopting and enforcing national and inter-
23 national export controls over munitions and dual-use
24 items; and

1 (6) facilitating the verification by the United
2 States and international community of that coun-
3 try's compliance with such commitments.

4 (b) FORM.—The report required under subsection (a)
5 may be submitted with the report required under section
6 403 of the Arms Control and Disarmament Act (22
7 U.S.C. 2593a).

8 **SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO**
9 **CERTAIN NONPROLIFERATION ACTIVITIES.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the President shall submit to the appro-
12 priate congressional committees a report identifying im-
13 pediments (including liability concerns, taxation issues, ac-
14 cess rights, and other impediments) to—

15 (1) the ongoing renegotiation of the umbrella
16 agreement relating to Cooperative Threat Reduction;
17 and

18 (2) the ongoing negotiations for the implemen-
19 tation of the Plutonium Disposition Program, the
20 Nuclear Cities Initiative, and other defense nuclear
21 nonproliferation programs.

1 **SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION**
2 **INITIATIVE.**

3 Section 3132 of the Ronald W. Reagan National De-
4 fense Authorization Act for Fiscal Year 2005 (Public Law
5 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

6 (1) in subsection (b)—

7 (A) in the subsection heading, by striking
8 “PROGRAM AUTHORIZED” and inserting “PRO-
9 GRAM REQUIRED”; and

10 (B) by striking “The Secretary of Energy
11 may” and inserting “The President, acting
12 through the Secretary of Energy, shall”; and

13 (2) in subsection (c)(1), by adding at the end
14 the following new subparagraph:

15 “(N) Take such other actions as may be nec-
16 essary to effectively implement the Global Threat
17 Reduction Initiative.”.

18 **SEC. 331. EXPANSION OF PROLIFERATION SECURITY INI-**
19 **TIATIVE.**

20 (a) SENSE OF CONGRESS RELATING TO PROLIFERA-
21 TION SECURITY INITIATIVE.—It is the sense of the Con-
22 gress that—

23 (1) the President should strive to expand and
24 strengthen the Proliferation Security Initiative an-
25 nounced by the President on May 31, 2003, placing

1 particular emphasis on including countries outside of
2 NATO; and

3 (2) the United States should engage the United
4 Nations to develop a Security Council Resolution to
5 authorize the Proliferation Security Initiative under
6 international law, including by providing legal au-
7 thority to stop shipments of weapons of mass de-
8 struction, their delivery systems, and related mate-
9 rials.

10 (b) AUTHORIZATION OF APPROPRIATIONS RELATING
11 TO PROLIFERATION SECURITY INITIATIVE.—There are
12 authorized to be appropriated for fiscal year 2007,
13 \$50,000,000 to conduct joint training exercises regarding
14 interdiction of weapons of mass destruction under the Pro-
15 liferation Security Initiative. Particular emphasis should
16 be given to allocating funds from such amount—

17 (1) to invite other countries that do not partici-
18 pate in the Proliferation Security Initiative to ob-
19 serve the joint training exercises; and

20 (2) to conduct training exercises with countries
21 that openly join the Proliferation Security Initiative
22 after the date of the enactment of this Act.

1 **SEC. 332. SENSE OF CONGRESS RELATING TO INTER-**
2 **NATIONAL SECURITY STANDARDS FOR NU-**
3 **CLEAR WEAPONS AND MATERIALS.**

4 It is the sense of the Congress that the President
5 should seek to devise and implement standards to improve
6 the security of nuclear weapons and materials by—

7 (1) establishing with other willing nations a set
8 of performance-based standards for the security of
9 nuclear weapons and weapons;

10 (2) negotiating with those nations an agreement
11 to adopt the standards and implement appropriate
12 verification measures to assure ongoing compliance;
13 and

14 (3) coordinating with those nations and the
15 International Atomic Energy Agency to strongly en-
16 courage other states to adopt and verifiably imple-
17 ment the standards.

18 **SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING**
19 **TO INVENTORY OF RUSSIAN TACTICAL NU-**
20 **CLEAR WARHEADS AND DATA EXCHANGES.**

21 In addition to any other amounts authorized to be
22 appropriated for such purposes, there are authorized to
23 be appropriated to the Administrator for Nuclear Security
24 for fiscal year 2007, \$5,000,000 for assistance to Russia
25 to facilitate the conduct of a comprehensive inventory of
26 the stockpile of Russia of—

1 (1) non-strategic nuclear weapons; and

2 (2) nuclear weapons, whether strategic or non-
3 strategic, that are not secured by PALs or other
4 electronic means.

5 **SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF**
6 **RUSSIA'S NON-STRATEGIC NUCLEAR WEAP-**
7 **ONS.**

8 Not later than 120 days after the date of the enact-
9 ment of this Act, the Secretary of Defense shall submit
10 to the appropriate congressional committees a report on
11 Russia's non-strategic nuclear weapons. The report
12 shall—

13 (1) detail past and current efforts of the United
14 States to encourage a proper accounting for and se-
15 curing of Russia's non-strategic nuclear weapons
16 and Russia's nuclear weapons, whether strategic or
17 non-strategic, that are not secured by PALs or other
18 electronic means;

19 (2) detail the actions that are most likely to
20 lead to progress in improving the accounting for and
21 securing or dismantlement of such weapons; and

22 (3) detail the feasibility of enhancing the na-
23 tional security of the United States by developing in-
24 creased transparency between the United States and
25 Russia with respect to the numbers, locations, and

1 descriptions of such weapons and of the cor-
2 responding weapons of the United States.

3 **SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING AL-**
4 **TERNATIVE USE OF WEAPONS OF MASS DE-**
5 **STRUCTION EXPERTISE.**

6 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding
7 any other provision of law and subject to subsection (c),
8 any funds available to a department or agency of the Fed-
9 eral Government may be used to conduct non-defense re-
10 search and development in Russia and the states of the
11 former Soviet Union on technologies specified in sub-
12 section (b) utilizing scientists in Russia and the states of
13 the former Soviet Union who have expertise in—

14 (1) nuclear weapons; or

15 (2) chemical or biological weapons, but only if
16 such scientists no longer engage, or have never en-
17 gaged, in activities supporting prohibited chemical or
18 biological capabilities.

19 (b) **TECHNOLOGIES.**—The technologies specified in
20 this subsection are technologies on the following:

21 (1) Environmental restoration and monitoring.

22 (2) Proliferation detection.

23 (3) Health and medicine, including research.

24 (4) Energy.

1 (c) LIMITATION.—Funds may not be used under sub-
2 section (a) for research and development if the Secretary
3 of State, in consultation with the Secretary of Defense and
4 the Secretary of Energy, determines that such research
5 and development will—

6 (1) pose a threat to the security interests of the
7 United States; or

8 (2) further materially any defense technology.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be
11 appropriated to the Department of State
12 \$20,000,000 for fiscal year 2007 for the following
13 purposes:

14 (A) To make determinations under sub-
15 section (c).

16 (B) To defray any increase in costs in-
17 curred by the Department of State, or any
18 other department or agency of the Federal Gov-
19 ernment, for research and development, or dem-
20 onstration, as a result of research and develop-
21 ment conducted under this section.

22 (2) AVAILABILITY.—(A) Amounts authorized to
23 be appropriated by paragraph (1) are authorized to
24 remain available until expended.

1 (B) Any amount transferred to a department or
2 agency of the Federal Government pursuant to para-
3 graph (1)(B) shall be merged with amounts available
4 to such department or agency to cover costs con-
5 cerned, and shall be available for the same purposes,
6 and for the same period, as amounts with which
7 merged.

8 **SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERA-**
9 **TION TREATY.**

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

11 (1) Article IV of the Treaty on the Non-Pro-
12 liferation of Nuclear Weapons (commonly referred to
13 as the Nuclear Nonproliferation Treaty or NPT) (21
14 UST 483) states that countries that are parties to
15 the treaty have the “inalienable right . . . to develop
16 research, production and use of nuclear energy for
17 peaceful purposes without discrimination and in con-
18 formity with articles I and II of this treaty.”.

19 (2) The rights outlined under article IV include
20 all fuel cycle activities, despite the fact that uranium
21 enrichment and plutonium production potentially put
22 a country in a position to produce weapons usable
23 material.

24 (3) David Bergmann, former chairman of the
25 Israeli Atomic Energy Commission, stated: “. . . by

1 developing atomic energy for peaceful uses, you
2 reach the nuclear weapon option. There are not two
3 atomic energies”.

4 (4) The wording of article IV has made it pos-
5 sible for countries that are parties to the NPT trea-
6 ty to use peaceful nuclear programs as a cover for
7 weapons programs. In particular, the misuse by
8 North Korea and Iran of these provisions threatens
9 to undercut the viability of the nuclear nonprolifera-
10 tion regime and the entire system of international
11 nuclear commerce.

12 (5) If the international community fails to de-
13 vise effective measures to deal with the “loophole” in
14 article IV, then there is a great likelihood that the
15 ranks of countries possessing nuclear weapons will
16 increase markedly in the next decade.

17 (b) PRESIDENTIAL REPORT ON CONTROL OF NU-
18 CLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—
19 Not later than 90 days after the date of the enactment
20 of this Act, the President shall submit to the appropriate
21 congressional committees a report identifying ways to
22 more effectively control nuclear fuel cycle technologies and
23 material, including ways that the United States can mobi-
24 lize the international community to close the “loophole”

1 of article IV of the NPT, without undermining the treaty
2 itself.

3 **SEC. 337. DEFINITIONS.**

4 In this subtitle:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on International Rela-
9 tions, the Committee on Armed Services, the
10 Committee on Homeland Security, and the
11 Committee on Appropriations of the House of
12 Representatives; and

13 (B) the Committee on Foreign Relations,
14 the Committee on Armed Services, the Com-
15 mittee on Homeland Security and Govern-
16 mental Affairs, and the Committee on Appro-
17 priations of the Senate.

18 (2) COOPERATIVE THREAT REDUCTION PRO-
19 GRAMS.—The term “Cooperative Threat Reduction
20 programs” means programs and activities specified
21 in section 1501(b) of the National Defense Author-
22 ization Act for Fiscal Year 1997 (Public Law 104–
23 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

○