

109TH CONGRESS
2D SESSION

S. 2408

To require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2006

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

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. RELEASE OF DOCUMENTS CAPTURED IN IRAQ**
4 **AND AFGHANISTAN.**

5 (a) IN GENERAL.—The Director of National Intel-
6 ligence shall make publicly available on an Internet
7 website all captured documents.

1 (b) REVIEW BY DIRECTOR OF NATIONAL INTEL-
2 LIGENCE.—The Director of National Intelligence may re-
3 view a captured document before making such document
4 publicly available under subsection (a). The Director shall
5 not be required to make a captured document publicly
6 available under subsection (a) if—

7 (1) in the case of a captured document that is
8 reviewed by the Director before the date of the en-
9 actment of this Act, the Director submits to the rel-
10 evant congressional committees a description of the
11 criteria the Director used to determine it is not ap-
12 propriate to make a captured document publicly
13 available and such captured document meets such
14 criteria; or

15 (2) in the case of a captured document that is
16 reviewed by the Director on or after the date of the
17 enactment of this Act, the Director submits to the
18 relevant congressional committees a description of
19 the criteria the Director shall use to determine if it
20 is not appropriate to make a captured document
21 publicly available and the captured document meets
22 such criteria.

23 (c) SUBMISSION OF DESCRIPTION OF NON-RE-
24 LEASED DOCUMENTS.—

1 (1) REVIEW BEFORE DATE OF ENACTMENT.—

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Director of National Intel-
4 ligence shall submit to the relevant congressional
5 committees a report containing—

6 (A) a description of each captured docu-
7 ment that, before such date, the Director deter-
8 mined should not be made publicly available;
9 and

10 (B) an explanation as to why the Director
11 does not consider it appropriate to make such
12 captured document publicly available.

13 (2) REVIEW AFTER DATE OF ENACTMENT.—

14 Not later than 30 days after the Director of Na-
15 tional Intelligence determines that a captured docu-
16 ment should not be made publicly available pursuant
17 to subsection (b)(2), the Director shall submit to the
18 relevant congressional committees a report con-
19 taining a description of such captured document and
20 an explanation as to why the Director does not con-
21 sider it appropriate to make such document publicly
22 available.

23 (3) REQUEST FOR DOCUMENT.—The Director
24 of National Intelligence shall make a copy of each
25 captured document available to the relevant congres-

1 sional committees for review upon request of the
2 Chairman of any of such relevant congressional com-
3 mittees. The Director shall make such copy available
4 in either classified or unclassified form.

5 (d) PUBLICATION OR REVIEW DATE.—

6 (1) IN GENERAL.—The Director of National In-
7 telligence shall begin making captured documents
8 publicly available pursuant to subsection (a) not
9 later than 30 days after the date of the enactment
10 of this Act.

11 (2) DOCUMENTS COLLECTED PRIOR TO DATE
12 OF ENACTMENT.—

13 (A) IN GENERAL.—Not later than the date
14 described in subparagraph (B), for each cap-
15 tured document captured or collected before the
16 date of the enactment of this Act, the Director
17 of National Intelligence shall make such cap-
18 tured document publicly available pursuant to
19 subsection (a) or shall submit to the relevant
20 congressional committees a report regarding
21 such captured document pursuant to subsection
22 (c).

23 (B) DATES.—The date described in this
24 subparagraph is—

1 (i) September 30, 2006, for captured
2 documents captured or collected during
3 Operation Enduring Freedom and Oper-
4 ation Iraqi Freedom; and

5 (ii) March 31, 2007, for captured doc-
6 uments captured or collected during Oper-
7 ation Desert Storm.

8 (3) DOCUMENTS COLLECTED AFTER DATE OF
9 ENACTMENT.—For each captured document that is
10 captured or collected on or after the date of the en-
11 actment of this Act, not later than 60 days after the
12 date on which such captured document is captured
13 or collected, the Director of National Intelligence
14 shall make such captured document publicly avail-
15 able pursuant to subsection (a) or shall submit to
16 the relevant congressional committees a report re-
17 garding such captured document pursuant to sub-
18 section (c).

19 (e) WEEKLY REPORT.—Not later than 7 days after
20 the date of enactment of this Act, and weekly thereafter
21 until each captured document captured or collected before
22 the date of the enactment of this Act is made publicly
23 available pursuant to subsection (a) or described in a re-
24 port submitted pursuant to subsection (c), the Director
25 of National Intelligence shall submit to the relevant con-

1 gressional committees a report describing the progress in
2 making captured documents publicly available.

3 (f) DEFINITIONS.—In this section:

4 (1) CAPTURED DOCUMENT.—The term “cap-
5 tured document” means a document captured or col-
6 lected in Afghanistan or Iraq, including a document
7 collected from the Government of Iraq or from a pri-
8 vate person and including a document in electronic
9 form, during Operation Desert Storm, Operation
10 Enduring Freedom, and Operation Iraqi Freedom.

11 (2) RELEVANT CONGRESSIONAL COMMIT-
12 TEES.—The term “relevant congressional commit-
13 tees” means the Permanent Select Committee on In-
14 telligence of the House of Representatives and Select
15 Committee on Intelligence of the Senate.

○