

that the fight is over. I am very proud of the 68.6 percent rate of homeownership we enjoy in America today but millions of American families are unable to take advantage of the many benefits of homeownership. One of the greatest obstacles for these Americans is the minimum down payment. The Federal Housing Administration (FHA) provides loans to many 1st time homebuyers who otherwise would struggle to qualify, yet many working class families are still overwhelmed at the prospect of saving thousands of dollars for the 3 percent minimum down payment. This legislation will help make homeownership become a reality for those Americans.

The Zero Downpayment Act of 2004 will allow families who seek FHA-insured loans to include the downpayment in their loan amount. These borrowers will still have to meet FHA credit qualifications and will pay a slightly higher annual interest rate to cover the cost of the program. Borrowers will also be required to receive counseling to ensure they are ready for the financial responsibilities associated with homeownership. This legislation provides a wonderful opportunity for those Americans who are on the edge of homeownership to begin building better lives and neighborhoods all over the country.

As members of the United States Senate we each spend a good amount of time meeting with people of all walks of life. I am introducing this legislation today, because it can change lives, and give people a chance to experience a better life. I hope my colleagues will join me in the fight to give every American the opportunity to become a homeowner. The Zero Downpayment Act of 2004 is an important step in that process and I urge my colleagues to join me in supporting this legislation. I ask unanimous consent that the bill be printed immediately following my remarks.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAYH, Mr. GRAHAM of South Carolina, Mr. DASCHLE, Mrs. CLINTON, Mr. NELSON of Florida, Mr. CORZINE, and Ms. MIKULSKI):

S. 2774. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; read the first time.

Mr. MCCAIN. Mr. President, this week marks the third anniversary of that terrible day in 2001 when terrorists attacked America's commercial and governmental capitals. On that occasion, in the largest attack ever on American soil, 2,973 innocent individuals lost their lives. The victimization of America went beyond this astounding number, with physical injuries to many, damage to our Nation's econ-

omy, and psychological trauma among millions who witnessed these shocking events.

While nothing we do can erase this pain, we can honor and pay tribute to those who have suffered by ensuring that terrorists never again attack our land. We have come a long way since 2001 in enhancing this country's ability to prevent and respond to terrorist attacks, but, as the 9/11 Commission said in its final report, we are not yet safe. Increasing our safety against terrorist attack requires new strategies, new ways of thinking, and new ways of organizing our government.

Today I am pleased to be joined by Senators LIEBERMAN, SPECTER, BAYH, GRAHAM of South Carolina, DASCHLE, and CLINTON in introducing legislation designed to implement the 9/11 Commission recommendations, which were issued just prior to the August recess. Governor Tom Kean and Representative LEE HAMILTON have endorsed this bill, and assured us that it accurately reflects the Commission's intent.

With the introduction of this bill, the Senate now has before it legislation that addresses each of the Commission's 41 recommendations, which together are designed to build unity of effort across the U.S. Government—all in an effort to prevent future terrorist attacks. The provisions of this bill outline the shape and objectives of a global counterterrorism strategy, and suggest a reconfiguration of our national security and homeland security apparatus within the U.S. Government. As anyone who reads the legislation will quickly see, it also cuts across jurisdictional lines with respect to the Senate committee prerogatives. There are portions of this bill that deal with intelligence, foreign affairs, defense, border security and commerce, transportation security, and more. In normal times, naysayers would caution that this fact alone could paralyze this body. But these are not normal times. International terrorism poses a real and present danger to the United States, and it is our responsibility as elected officials to take action on the Commission's recommendations.

I would like to highlight some of the major aspects of the bill, and I know that the other sponsors also will provide details on the bill's structure.

The largest section of this bill concerns the reorganization of our intelligence community. This legislation establishes a National Intelligence Authority to unify the efforts of the community, and this new entity would be headed by a National Intelligence Director, NID. The NID also would act as the principal intelligence advisor to the President, taking over this function from the Director of Central Intelligence. The NID would have direct budgetary authority and significant personnel authority over all of the intelligence agencies, except those that generate intelligence that falls under the purview of one department alone, such as tactical military intelligence.

The NID would have influence over the budgets for these other entities that do provide this very specific intelligence. Assisting the NID would be four deputies, including a principal deputy, another that serves currently as the CIA Director and would handle foreign intelligence, a deputy that also serves as the Under Secretary of Defense for Intelligence, and a fourth that handles domestic intelligence.

Also established in this bill is a National Counterterrorism Center to oversee all of the U.S. Government counterterrorism operations, including analysis, net assessments, and guidance for joint counterterrorism operations. The center would be headed by a deputy-level official who can adjudicate policy disagreements among the agencies and, if need be, bump them up to the National Security Council for a decision. In addition to the National Counterterrorism Center, the bill authorizes the NID to establish "National Intelligence Centers" that will address particular geographic or functional areas. These centers will, like the NCTC, bring together the full range of reporting and analysis on particular topics so that no one with a need to know is cut out of the loop. There are also provisions designed to ensure that increased centralization of the intelligence community does not lead to a reduction in the range of analytical views available to policymakers.

Finally in the intelligence title, the bill codifies the critical reforms that Director Mueller has begun at the FBI, including his efforts to improve the FBI's intelligence capabilities and develop a personnel cadre that specializes in national security issues.

In its report, the 9/11 Commission found that the biggest impediment to "connecting the dots" among diverse sources of homeland security information is the widespread resistance to sharing. To address this problem, the Commission recommended that the President create a new "trusted information network" modeled on a framework developed by a Markle Foundation task force. This bill directs the President to create an information network among all Federal departments and agencies with responsibilities for homeland security, among State and local authorities, and among relevant private sector entities. The legislation describes key attributes that should be incorporated into the network and sets forth an ambitious schedule for development and implementation.

The Commission report stated that, "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by current congressional rules and resolutions, we believe the American people will not get the security they want and need. The United States needs a strong, stable, and capable congressional committee structure to give America's national intelligence agencies oversight, support, and leadership."

The Commission offered several options for how Congress should be restructured to best provide for strong oversight over both intelligence and homeland security. With respect to intelligence, it recommended that Congress create either a joint committee modeled after the Joint Atomic Energy Committee or House and Senate Committees with combined authorizing and appropriating powers. With respect to homeland security, it recommended that Congress create a single, principal point of oversight and review, noting that DHS officials now appear before 88 different committees and subcommittees.

Late last month, the Senate leadership tasked a bipartisan working group with examining how best to implement these recommendations and asked it to report back to the leadership as soon as possible. In recognition of this ongoing review, our bill does not propose the committee structures we believe should be adopted, but instead includes a Sense of the Congress that both houses of the 108th Congress adopt all necessary rule changes so that the committee structures for the 109th Congress are revised in accordance with one of the options recommended by the Commission.

It is incumbent on each member to put aside jurisdictional power struggles and take action that is in the interest of securing our homeland. We should strive to never again read a report that calls Congressional oversight "dysfunctional." We simply must heed the Commissions call to action and fundamentally overhaul Congressional oversight for intelligence and homeland security. As the Commission stated, "tinkering with the existing structure is not sufficient."

As recommended by the Commission, we have included provisions to help ensure that an incoming President-elect can start putting together his national security team during a transition between administrations. Our legislation would establish procedures for expediting security clearances and Senate consideration of top national security appointees, as well as any necessary clearances for presidential transition team members. In addition, it directs the President to consolidate security clearance responsibilities in a single Federal agency, and to work with the new NID to set uniform standards for granting security clearances so that they are accepted by all Federal agencies.

One lesson from the Commissions report is that no one set of strategies is sufficient to prevent future terrorist attacks. The United States must use all of the instruments at our disposal to counter the short and long-term threats posed by international terrorism. For this reason, we have devoted an entire title of the bill to the role of diplomacy, foreign aid, and the military. The legislation would renew the U.S. commitment to Pakistan's future, in light of the critical role that

country plays in the war on terror, and authorizes a substantial increase in aid to Afghanistan. It addresses our relations with Saudi Arabia and suggests establishing an international contact group to develop a multilateral counterterrorism strategy. Other provisions in our bill will enhance America's ability to fight the war of ideas by promoting universal values of democracy, tolerance, and openness. It authorizes increased funding for U.S. broadcasts to Muslim countries and would ramp up the scale of education and exchange programs.

This bill notes that the proliferation of weapons of mass destruction is a grave and gathering threat to this country, and suggests ways to strengthen our nonproliferation programs. And, since portrayals of mistreatment of captured terrorists hinders our ability to engage in the wider struggle against them, this legislation both reiterates standards for their humane treatment once captured, and calls on the U.S. Government to develop a common approach to detainee treatment, along with its coalition partners.

One significant way to prevent future terrorist attacks on American soil is to stop terrorists from entering the country in the first place. This bill contains a number of provisions that would enhance the security of our borders, transportation systems and critical infrastructure. For example, our legislation requires the Secretary of Homeland Security to work with multiple government agencies to develop a unified strategy to intercept terrorists, find terrorist facilitators, and constrain terrorist mobility both domestically and internationally. In addition, to efficiently screen persons entering the United States, we must integrate the multiple terrorist screening systems already in place. This bill would require the Secretary of Homeland Security to develop a comprehensive screening system that brings together an integrated network of screening points, and to work to fully implement the entry and exit functions of the U.S. VISIT system at all ports of entry as quickly as possible.

The Commission also pointed out what appears to be a gaping hole in our border security. I am referring to the ability of people who claim to be United States citizens to orally attest to their citizenship when passing from Canada or Mexico into the United States. Numerous reports, including a recent GAO study, point to our porous borders as potential terrorist entryways into this country. Our legislation would require everyone entering the U.S. to present a passport, at a minimum.

Of course, travel documents only work insofar as they are authentic and can be authenticated by our officials. Our bill requires the Secretary of Homeland Security to establish uniform Federal standards for driver's licenses and birth certificates. It is long

past time that we take action to protect these documents from being used to commit identity theft, terrorism, and other criminal acts.

Although there has been considerable progress in tightening transportation security since September 11, the Commission made several recommendations to further improve the system. For example, the computer systems and protocols used to vet passengers before they board a plane are not substantially different than the systems that failed to prevent the 9/11 hijackers from boarding their flights. Therefore in this legislation we require the Transportation Security Administration to take over and improve the no-fly list process, and to improve the screening of air passengers for explosives and the screening of air cargo. In addition, we require DHS to set risk-based priorities for defending various transportation assets, and then figure out a plan and budget to get the job done.

Mr. President, I am in full agreement with the Commission that we need to broadly address transportation security vulnerabilities. In fact, the Committee on Commerce, Science, and Transportation has already reported several legislative measures designed to improve the security of other transportation modes. A maritime security bill was signed into law in 2002, and we reported a subsequent maritime security measure earlier this year. We also reported, and the Senate has passed, a bus security bill, and our rail security legislation is pending on the Senate Calendar. These measures must be enacted before we adjourn.

The Commission made a number of recommendations to further our national preparedness and emergency response efforts. Its report states that "homeland security assistance should be based strictly on an assessment of risks and vulnerabilities," and implores that "Congress should not use this money as a pork barrel." I heartily agree. In following this recommendation, the legislation directs the Secretary of Homeland Security to allocate assistance based on the threats, risks, and vulnerabilities facing a community, along with its population and other specific criteria. It also establishes an expert advisory panel to develop benchmarks for assessing the homeland security needs and capabilities of various communities, and rescinds the current formula for homeland security grants.

The bill would also require certain broadcasters to vacate their television channels in a crisis so that their airwaves are available to first responders, and ensure that public safety organizations have access to this spectrum no later than January 1, 2007. In addition, it directs the Secretary of Homeland Security to work with other officials in developing effective communications capabilities, including back-up support. These steps are vital for closing the existing gaps in interoperability of emergency communications systems.

The Commissioners pointed out that the private sector controls 85 percent of the critical infrastructure in the Nation. Our bill directs the Secretary of Homeland Security to establish a program to promote private sector preparedness for terrorism and other emergencies. It also directs the Secretary to report to Congress regularly on the adequacy of the government's plans to protect our Nation's critical infrastructure.

All of us who are concerned with threats to this Nation's security also wish to ensure that our efforts to protect Americans do not infringe on our civil liberties. After all, giving up the way of life we have fought so hard to defend is not an acceptable price for greater security. We must find a way to balance the two, and that is what this bill proposes to do. It creates a Privacy and Civil Liberties Board, as well as designated privacy and civil liberties officers within relevant Federal agencies, to analyze actions the enhanced security measures taken by our government and to ensure that civil liberties are appropriately considered as these policies are developed. The Board, which would reside within the Executive Office of the President, would advise the President and Federal agencies on the privacy and civil liberties implications of proposed and extant laws, as well as authority to oversee Federal agencies to ensure that civil liberties are being protected.

In addition, the legislation requires certain agency heads to designate senior officers to serve as privacy and civil liberties resources and watchdogs. Among these officers' responsibilities is ensuring that their agency has a process in place to receive, investigate, and respond to complaints from people who report privacy or civil liberties violations.

Having described the bill we are introducing today, I'd like to reiterate that it addresses each of the Commission's recommendations—not more, not less. The sponsors all recognize that other legislative proposals will be offered that address the security of our Nation in the face of terrorist threats. In particular, I want to acknowledge the efforts by Senator COLLINS and Senator LIEBERMAN, the Chairman and Ranking Member of the Senate Government Affairs Committee. That Committee has a key leadership role in this area, and it is one that I greatly respect. I know that they are working to report a bipartisan reform proposal to reform the Intelligence community in the days ahead and look forward to Senate debate on their proposal.

The sponsors of today's legislation remain open to all proposals, and in fact, will have additional suggestions of our own. But the introduction of our legislation today ensures that the commendable work of the 9/11 Commission has a real opportunity to be debated, amended, and adopted. Despite the short and crowded legislative calendar, we urge the leadership to allow for de-

bate on this and other proposals to address the 9/11 Commission's recommendations. Even in an election year, there is no higher priority than defending the American people against threats to their security.

Mr. President, there has been much talk over recent months about the importance of firm resolve in the face of threats to America's security and its integrity. This legislation presents the Congress with an opportunity this year to exhibit some resolve of our own. While we will act in the shadow of the dark hours of September 11, we can show the American people—and the world—that this government is committed to facing down the worst threats that face us today. We can move forward—yes, in an election year, yes, by actually finding agreement regardless of party or committee assignment—to better protect and preserve the security of this Nation. With the Senate's serious and thorough consideration of the Commission's recommendations, we will honor those who have been patient enough to afford us this opportunity to change.

I will make two additional comments. One, we need to reform the institutions of government. This blueprint which outlines in legislative form the recommendations of the September 11 Commission are exactly that, a blueprint. I am confident that the Committee on Governmental Affairs, under the outstanding leadership of the Senator from Maine, Ms. COLLINS, working with Senator LIEBERMAN, Senator SPECTER, and other members of the committee, will produce a legislative product of which everyone can be very proud. They have already begun a series of hearings, and I have complete confidence in their deliberations and their results.

Let me also say that one of the most difficult aspects of reform will be reform of the institutions here and in the other body. There is no doubt that either one of the two committee recommendations—that there be a joint committee along the lines of the now defunct Joint Committee on Atomic Energy or two separate permanent committees. Those committees have to have budgetary authority. They must be able to appropriate. If not, those committees will be debating societies and they will not have the influence or power necessary or authority necessary to supervise America's intelligence operations.

There are many other areas and many other ideas, including those of the White House and the executive branch that need to be taken into consideration. But I think this is a good start because if there is one thing all of us can agree on it is that the recommendations of the 9/11 Commission have been embraced by virtually one and all, clearly, with some reservations because it is not a perfect document. But overall, the overwhelming majority of Americans expect that we should act on this blueprint as a blueprint,

but, second of all, that we should act—that we should act.

There is no disagreement that our intelligence agencies and our ability to obtain the vital information that is necessary to maintain our national security and prevent another terrorist attack require us to act in an expeditious fashion.

I understand the majority leader, in consultations with Senator DASCHLE, has laid out a schedule for the Governmental Affairs Committee to report out the last week in September. I think that is a very worthwhile cause.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, it is good to see you after the recess. I thank my colleague and dear friend from Arizona, Senator MCCAIN, for his comments. I support him in substance and in spirit, which is to say the urgency of Congress reacting to the report of the 9/11 Commission.

It was shortly after September 11 that Senator MCCAIN and I introduced legislation, with Senators SPECTER, BAYH, and others, creating the National Commission on Terrorist Attacks Upon the United States. We believed—and we know so many others agreed—that the Nation needed to know as clearly and definitively as possible what had happened, why it had happened, and what could be done to prevent such a heinous attack from ever happening again.

In particular, most understandably and movingly, the families of the 9/11 victims rightly demanded that we learn all we could from the tragedy that took their loved ones from them. In its 20-month existence, the Commission, headed by Governor Thomas Kean and Congressman Lee Hamilton, brought a laser focus to its task. The Commission insisted on talking to the people and seeing the documents that could help them understand and tell the full story. The result is not only a definitive account of what happened on September 11, but also a very thoughtful and compelling analysis of why it happened and where we must go from here. And I take it to be a sign of not only tribute to the Commission but of the public concern and interest in what the Commission had to say, that the published volume of its report, unlike any I have known of in a long time, remains a bestseller throughout our country.

So today, Senator MCCAIN, Senator SPECTER, Senator BAYH, and I join together again to introduce the 9/11 Commission Report Implementation Act of 2004. This legislation embraces and expresses in legislative language all 41 of the recommendations in the Commission's final report. Some of those, involving calls to restructure the intelligence community, have already been the focus of extensive debate. Others, such as the proposals to crack down on fraudulent identification documents or to build new bridges to the Muslim world, have gotten less discussion. But

they are all—each and every one of them—the product of the outstanding and diligent work of the Commission and therefore deserve, indeed command, our attention. We did not attempt to pick and choose which of the 41 recommendations should be considered or legislated, or to edit the Commission's policy conclusions. Indeed, there are one or two areas where I might take a different approach to the concerns the Commission has raised. But the Commission's recommendations should be our starting point. And I believe in many cases, probably most, they should be our ending point as well.

Introducing this legislation is the fulfillment of the promise we made on the day the Commission issued its report: that we would express its proposals in legislation. At that time we had no idea whether anything would happen on the Commission report in August or September or October. It was that night that Senators FRIST and DASCHLE, our bipartisan leadership, asked our Governmental Affairs Committee to assume responsibility for considering the Commission's report and making a set of proposals to the Senate no later than October 1.

This proposal we now introduce today will go to the Governmental Affairs Committee, formally or informally, to inform the work it is doing. The Governmental Affairs Committee now has the ball and will report to Congress, and is on a schedule, I am pleased to say, to report in advance of the deadline set by Senators FRIST and DASCHLE, in advance of October 1.

So what does the Commission and therefore this legislation call for? The Commission's final report depicts a nation that was woefully unprepared for the attacks of September 11. As the Commission concludes: We need a new strategic vision to confront terrorism and a new unified effort to carry out that strategy. Such unity can only be achieved through a dramatic transformation of the status quo of our key organizations and policies. That is the first order of business.

The Commission has described how, in the course of its investigation, it repeatedly asked this question: Who was in charge prior to September 11, and who is in charge today? And it never received a satisfactory answer. In fact, Governor Kean and Congressman Hamilton testified to us before our Governmental Affairs Committee that they still cannot point to some one individual in charge of the American intelligence effort, its enormous human and technological assets, and, therefore, no one who is personally accountable.

This is unacceptable. This legislation rightly creates a national intelligence director to serve as head of the intelligence community and principal adviser to the President for national intelligence matters. The director will have strong budget, resource, and personnel authority to shape priorities and break down the kinds of turf bar-

riers and stovepipes that stood in the way of our Government pulling together in one place all the information we knew prior to September 11—information that might well have prevented the attacks of September 11 from occurring.

These powers are far stronger than the current authorities exercised by the Director of Central Intelligence. This will create the capability and the accountability for someone to truly lead a unified intelligence effort that will, in turn, greatly benefit the specific fight against terrorism. This intelligence director will operate through a new agency, to be called the National Intelligence Authority. This is not a large new bureaucracy, but rather a command, control and coordination center to achieve a unified intelligence effort. Although the Commission originally called for this office to be created within the White House, numerous experts counseled against this and the Commissioners themselves now agree with that counsel. As a result, this legislation creates the National Intelligence Authority as an independent entity.

To help guarantee the government-wide antiterrorism cooperation that did not exist pre-9/11, the legislation also creates a National Counterterrorism Center, patterned on the joint commands of the Department of Defense, drawing on expertise from throughout the intelligence community. This center will serve as an analytic fusion center on terrorism, and will also have responsibility to develop operational plans for counterterrorism initiatives, and then to track and monitor the operations' implementation. As such, the center will build on the promise of the new multi-agency Terrorist Threat Integration Center it would replace, but go beyond that model to create an even more robust center that combines analytical and operational capabilities.

As recommended by the Commission, the legislation also provides for the creation by the National Intelligence Director of a number of national intelligence centers focused on either specific topics like weapons of mass destruction or specific geographic areas such as the Middle East. These centers will bring together the most experienced intelligence experts from across the intelligence community on a given issue or region, and can be created or eliminated as needed, giving us the flexibility to hone in on evolving priorities.

I am pleased these intelligence reform proposals have already been the focus of numerous hearings, and these issues, as I have said, will be under active consideration in the Governmental Affairs Committee in the coming days.

The work on this legislation and the work that the Governmental Affairs Committee is doing has proceeded distinctly, separately, but collaboratively, and work on each has informed and, I believe, strengthened the other.

I hope—I know the cosponsors of this legislation share that hope—the package we are introducing today will be of real help to the Governmental Affairs Committee as it frames the legislation it—we will report out to the Senate. I am confident the Senate can actually begin to consider it well before the end of September.

The intense debate over the Commission's recommendations on intelligence reform may have obscured the sweeping proposals the Commission made in other areas—very strong and important proposals on border and transportation security, on information sharing, on national preparedness and congressional oversight.

Those proposals are included in this legislation as well. As a result, we hope its introduction will jump-start debate and consideration of those other vital reforms.

First, the Commission stressed we must do all we can to stop this problem at the source—that is, to alter the conditions and dynamics that give rise to terrorism in the first place. This legislation includes the recommendations to strengthen our efforts to fight international terrorism using such tools as diplomacy and foreign aid. For instance, the legislation would increase U.S. foreign assistance to Afghanistan and renew our commitment to Pakistan. It would enhance our outreach to the Muslim world through U.S. broadcasts to the region, educational exchange programs and a fund to boost educational opportunities for Muslim youth.

This will be a long and difficult challenge, however, and we must assume international terrorism will be with us for years to come and prepare accordingly. In addition to the intelligence community reforms I have already mentioned, the Commission calls for a range of new programs and policies to combat terror.

Information sharing is one such critical step. Terrorism has made the homeland part of the frontlines, but too many government officials still believe information related to terrorist threats must be carefully hoarded among a select group. Even colleagues within the intelligence community are often not trusted with vital information, much less officials outside the national security elites or in state and local government. We must break down these information barriers and engage a far broader community in the task of fighting terrorism. This will create an urgently needed information sharing network to break down the information stovepipes that currently hamper our efforts to stay one step ahead of the terrorists. The network, which is modeled on a proposal by a task force of the Markle Foundation, would consist of policies and information technology designed to facilitate and promote sharing of terrorism information throughout the Federal government, with state and local agencies and, as appropriate, the private sector.

The President will be required to submit an implementation plan to Congress, including clear deadlines, assignment of responsibilities and budget requirements. The proposal includes safeguards for privacy and civil liberties.

The bill includes critical provisions to restrict terrorist travel—the strategies and methods by which terrorists can, and did, come to this country and position themselves for attacks. It would expand our efforts to collect and utilize intelligence regarding terrorist travel strategies and methods. The legislation also requires an integrated screening system to ensure adequate screening at the nation's entry points and to access transportation systems and critical infrastructure. Complementary provisions in the bill require stronger document requirements for all travelers, including citizens, to enter the United States; acceleration of the automated biometric entry and exit system known as U.S.-Visit; and improved security for identification documents such as driver licenses and birth certificates.

In the area of transportation security, the 9/11 Commission warned against the government's heavy focus on passenger aviation to the near exclusion of other modes of transportation. As its Final Report states, "[o]ver 90 percent of the nation's \$5.3 billion annual investment in the [Transportation Security Administration] goes to aviation—to fight the last war." Yet we are investing little in protecting the 14 million Americans who use transit systems each weekday, or safeguarding our port systems that handle millions of shipping containers each year. What is lacking, the Commission states, is "a forward-looking strategic plan systematically analyzing assets, risks, costs and benefits." Following its recommendations, this legislation calls for a comprehensive transportation security strategy to assess risks and set priorities across all modes of transportation. It also seeks to close ongoing gaps in aviation security by requiring the Transportation Security Administration, rather than the airlines, to screen passenger names against a consolidated terrorist watchlist. Additional aviation-related measures include explosives screening for all passengers and their carry-on bags, accelerated research and deployment of explosives detection technologies, and measures to improve the security of cargo traveling on passenger aircraft.

To help deter terrorist attacks and minimize the effect of any attacks that do occur, we must improve our preparedness capabilities and this legislation includes the Commission's recommended steps to do so. The bill would require that homeland security preparedness grants be distributed solely on the basis of criteria related to threat and risk, eliminating the per state minimum in current law. It would facilitate first responder communications by assigning certain radio

spectrum to public safety agencies for their use—an important step toward solving the critical challenge of enabling first responders to talk to one another during an emergency. Fighting terrorism is a challenge for our entire national community and the Commission also stressed the importance of preparedness within the private sector. This legislation requires the Department of Homeland Security to promote a voluntary preparedness standard for the private sector. It also presses the Secretary of DHS to complete efforts to inventory the nation's critical infrastructure, assess the threats and vulnerabilities regarding these critical assets, and ensure there are measures to protect them.

The Commission recognized that these new policies and programs will raise important issues regarding privacy and civil liberties and called for a new Privacy and Civil Liberties Oversight Board to ensure the protection of these liberties as laws and policies are developed and implemented to protect the nation from terrorism. This legislation creates such a board, which will consist of five individuals appointed by the President and confirmed by the Senate. In addition to advising the President and federal agencies, the board will have strong authority to conduct investigations and oversight of government actions in the war on terror.

Finally, as we look to the changes the Commission has urged for executive branch structures and programs, we cannot neglect the Commission's call to reform our own structures and its indictment of the status quo of congressional oversight of intelligence. We have to clean and reshape not only the executive branch, but we have to clean out and reshape our own house.

The Commission concluded that the Intelligence Committees of the House and Senate are not organized currently to provide the necessary leadership and oversight for intelligence and counterterrorism, and that jurisdiction over the Department of Homeland Security is also too broadly dispersed.

The legislation we are introducing today incorporates the mandate of the Commission that each Chamber reform its rules to create a more powerful Intelligence Committee and to consolidate oversight of the Department of Homeland Security in a single committee in each Chamber.

Clearly, we have our work cut out for us. But nothing is more important than to respond not just in a timely but in an urgent way to the recommendations of the 9/11 Commission, and to do so, as the Commission itself did, in a way that puts partisanship aside and our national security first. The group of us introducing this legislation—Senators MCCAIN, SPECTER, BAYH, and I—stand shoulder to shoulder across party lines to achieve a safer nation, to protect the American people at home.

We are confident, as we go forward, that our colleagues on both sides of the

aisle will join us. There will be differences of opinion. It would be shocking if there were not. Because the recommendations of the Commission represent bold change and dramatically alter the status quo, differences of opinion will naturally occur. They ought to occur. But I am confident in the end they will not be partisan. In the end, we will act and act quickly to implement much of the 9/11 Commission's report so that we can say to the American people, particularly those who lost loved ones on September 11, that we have taken action, done whatever we possibly could to prevent a terrorist attack such as the one that occurred on September 11, 2001, from ever happening again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join my colleagues—Senators MCCAIN, LIEBERMAN, and BAYH—in introducing this legislation today which codifies the recommendations of the 9/11 Commission. The 9/11 Commission has accomplished a very important mission in stimulating the demand of the American people that action be taken to put all of our intelligence agencies under one command authority. Had this been done prior to 9/11, it is my judgment that 9/11 could have been prevented.

There was the famous FBI report from Phoenix about the suspicious character who wanted to learn to fly an airplane but wasn't interested in learning to take off or land. There were the suspicious people in Kuala Lumpur who turned out to be two of the terrorists known by the CIA to be al-Qaida, but it was not told to the INS to keep them out of the country. There was the information on Zacarias Moussaoui and the work of the FBI field office in Minneapolis with the 13-page, single-spaced report filed by Agent Coleen Rowley. Those factors and others gave clear-cut clues to what was happening or about to happen. Had they been pursued and investigated, the chances are good that 9/11 could have been prevented.

The Commission, in focusing public attention on the absolute necessity to have one commander, has accomplished something which had not been accomplished up until the present time. I served on the Intelligence Committee back in 1987, when we had the investigation of the Iran Contra affair. At that time I introduced legislation for a national intelligence director looking more to oversight at that time. In 1996, when I was chairman of the Senate Intelligence Committee, I introduced legislation which would have provided budget and hiring authority under the CIA Director. Technically, the Director of the Central Intelligence Agency has for some time—I believe going back to 1947—the overall direction of the intelligence community. But without budget authority and without hiring and firing, it has been virtually meaningless. But in 1996, I proposed that legislation.

In 2002, we moved for the creation of an Office of Homeland Security. Senator LIEBERMAN and I introduced, 30 days after 9/11, legislation to create the Department of Homeland Security. But there were various objections to it, and the issue was not taken up seriously until mid-2002. There was a real effort made in that legislation to have all of the intelligence agencies under one command authority. The House of Representatives passed a bill in October and left town, which they do from time to time, leaving us with the option of either taking their bill or not having a bill until the following spring.

At that time I had an amendment prepared to give the Secretary of Homeland Security the authority to direct all of the other intelligence agencies. As I have said on the record before, and it is worth repeating briefly, I had a conversation that afternoon with Secretary Ridge who urged me not to offer the amendment. I told him I thought it had to be done. And when I declined to accept his recommendations, I got a call from Vice President CHENEY who urged the same course. When I again declined, I later talked to the President that afternoon and decided that I would await a later date to press for having that authority to direct. But this has been a gaping hole in the intelligence apparatus forever.

The Scowcroft Commission filed a report, still in confidential form but widely reputed to create an individual in charge of the overall intelligence agency. So, finally, we are coming to the point where we are thinking very seriously about having one person in charge, a national director of intelligence, thanks to the focus of the 9/11 Commission.

The Government Affairs Committee on which I serve, with the leadership of Senator COLLINS, the chairman of the committee, and Senator LIEBERMAN, the ranking member, did something very unusual. We returned in the first week of the recess on July 30 and held additional hearings. In reviewing the work of the 9/11 Commission at that time, I expressed for the record and would repeat now briefly the concerns I have about the so-called double hatting. The 9/11 Commission has recommended that the counterintelligence unit, for example, of the FBI stay under the direction of the Director of the FBI but report also to the national intelligence director so that the Director of the FBI counterintelligence unit would be so-called double hatted.

Well, I do not think that can work under the very basic principle that no one can serve two masters.

The same kind of concept is present on double hatting with the CIA Director for the Department of Defense intelligence agencies. During the course of the Governmental Affairs hearings, I asked Congressman Lee Hamilton, co-chairman of the 9/11 Commission, about the possibility of creating the director with a 10-year term, modeled after the

FBI Director, to be able to have someone who would outlast the tenure of Presidents. I think that is also a concept which ought to be incorporated.

When the Governmental Affairs Committee was considering this issue and legislation, I prepared a draft bill which I submitted to the members of the Governmental Affairs Committee back on August 3 of this year.

I think it would be useful to put it into the RECORD. I ask unanimous consent that the text of that draft proposal be printed in the CONGRESSIONAL RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. There are other proposals that have been made. The chairman of the Senate Intelligence Committee, Senator ROBERTS, has proposed legislation. So we have a great many ideas to choose from. As I sat at the Governmental Affairs hearing in early August, it was my hope that we would report out a bill early. I am pleased to say Chairman COLLINS has listed a markup for the week of September 20th, so that we should have a bill to present to the Senate early on. Then it is my hope we will act on this matter and act expeditiously. We have to get it right.

These are complicated matters. We have been studying them for a very long time. We have been studying them, to my personal knowledge, going back to 1987 in legislation I introduced, and again in 1996, and with the very extensive consideration of the legislation on homeland security in 2002. So I think we are ready to move ahead and make the kinds of judgments that are tough decisions, but that is the pay grade around here. I think the time has come to act.

It may not be a perfect bill. I have been in the Senate for 24 years now and I have not seen a perfect bill. The risks of inaction, in my view, are much greater than the risks of action. We know enough to make a sound judgment as to how to put the entire intelligence community under one umbrella.

I see my colleague Senator BAYH on the floor. I yield the floor.

EXHIBIT 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Intelligence Reformation Act of 2004’’ or ‘‘9–11 Act’’.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purposes.

Sec. 3. Definitions.

TITLE I—DEPARTMENT OF INTELLIGENCE

Subtitle A—Executive Department

Sec. 101. Executive department.

Sec. 102. Director of Intelligence.

Subtitle B—Office of the Director of Intelligence

Sec. 111. Office of the Director of Intelligence.

Sec. 112. Deputy Director of Intelligence.

Sec. 113. National Counterterrorism Center.

Sec. 114. Other national intelligence centers.

Sec. 115. Assistant Director of Intelligence for Research, Development, and Procurement.

Sec. 116. Assistant Director of Intelligence for Civil Liberties and Privacy.

Sec. 117. National Intelligence Council.

Sec. 118. General Counsel of the Department of Intelligence.

Sec. 119. Inspector General of the Department of Intelligence.

Sec. 120. Intelligence Comptroller.

Sec. 121. Chief Information Officer of the Department of Intelligence.

Sec. 122. Chief Financial Officer of the Department of Intelligence.

Sec. 123. Military status of Director of Intelligence and Deputy Director of Intelligence.

Subtitle C—Mission, Responsibilities, and Authorities

Sec. 131. Provision of national intelligence.

Sec. 132. Responsibilities of Director of Intelligence.

Sec. 133. Authorities of Director of Intelligence.

TITLE II—ELEMENTS OF DEPARTMENT OF INTELLIGENCE

Subtitle A—Central Intelligence Agency

Sec. 201. Central Intelligence Agency.

Sec. 202. Mission; power and authorities.

Subtitle B—National Security Agency

Sec. 211. National Security Agency.

Sec. 212. Mission; power and authorities.

Subtitle C—National Geospatial-Intelligence Agency

Sec. 221. National Geospatial-Intelligence Agency.

Sec. 222. Mission; power and authorities.

Subtitle D—National Reconnaissance Office

Sec. 231. National Reconnaissance Office.

Sec. 232. Mission; power and authorities.

Subtitle E—Other Offices

Sec. 241. Intelligence, counterterrorism, and counterintelligence offices.

Sec. 242. Office of Civil Liberties and Privacy.

TITLE III—OTHER INTELLIGENCE MATTERS

Subtitle A—Modifications and Improvements of Intelligence Authorities

Sec. 301. Sense of Congress on availability to public of certain intelligence funding information.

Sec. 302. Coordination between Director of Intelligence and Secretary of Defense in performance of specific functions pertaining to National Foreign Intelligence Program.

Sec. 303. Role of Director of Intelligence in certain recommendations to the President on appointments to intelligence community.

Sec. 304. Collection tasking authority.

Sec. 305. Oversight of combat support agencies of the intelligence community.

Sec. 306. Improvement of intelligence capabilities of the Federal Bureau of Investigation.

Subtitle B—Restatement of Authorities on National Geospatial-Intelligence Agency

PART I—MISSIONS

Sec. 311. Missions.

Sec. 312. Support for foreign countries on imagery intelligence and geospatial information.

PART II—MAPS, CHARTS, AND GEODETIC PRODUCTS

Sec. 321. Maps, charts, and books.

- Sec. 322. Pilot charts.
- Sec. 323. Sale of maps, charts, and navigational publications.
- Sec. 324. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations.
- Sec. 325. Public availability of maps, charts, and geodetic data.
- Sec. 326. Civil actions barred.
- Sec. 327. Treatment of certain operational files.

PART III—PERSONNEL MANAGEMENT

- Sec. 331. Management rights.
- Sec. 332. Financial assistance to certain employees in acquisition of critical skills.

PART IV—DEFINITIONS

- Sec. 341. Definitions.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

- Sec. 401. Conforming modification of authorities on Central Intelligence Agency.
- Sec. 402. Other conforming modifications of law relating to missions, responsibilities, and authorities of Director of Intelligence and Director of Central Intelligence Agency.
- Sec. 403. Conforming modification of authorities on certain Central Intelligence Agency officers.
- Sec. 404. Conforming modification of authorities on National Security Agency.
- Sec. 405. Inclusion of Department of Intelligence in intelligence community.
- Sec. 406. Repeal of superseded authorities on National Geospatial-Intelligence Agency.
- Sec. 407. Other conforming amendment.

Subtitle B—Other Transition Matters Relating to Intelligence

- Sec. 411. Preservation of intelligence capabilities.
- Sec. 412. General references to intelligence officials.

Subtitle C—Transfer of Elements

- Sec. 421. Transfer of Terrorist Threat Integration Center.
- Sec. 422. Transfer of Community Management Staff.
- Sec. 423. Transfer of certain elements of Federal Bureau of Investigation.

Subtitle D—Transfer of Functions

- Sec. 431. Transfer of functions.
- Sec. 432. Transitional authorities.
- Sec. 433. Savings provisions.

Subtitle E—Other Matters

- Sec. 441. Treatment of Department of Intelligence as executive department.
- Sec. 442. Executive Schedule matters.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States receives the best intelligence available.

(2) The National Security Act of 1947 (50 U.S.C. 401 et seq.) created a formal structure under an official who would lead the Central Intelligence Agency and, in a separate role as Director of Central Intelligence, the intelligence community of the United States

Government, and serve as the principal adviser to the President on intelligence.

(3) Executive Order 12333 (December 4, 1981; 46 F.R. 59941) states that “the United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal”.

(4) The intelligence community of the United States is supposed to function as a single corporate enterprise, supporting those who manage the strategic interests of the United States, whether political, economic, or military.

(5) The United States has suffered through an escalating cycle of intelligence failures, especially since the end of the Cold War, while witnessing the onset of new and emerging global threats such as terrorism and proliferation of weapons of mass destruction.

(6) The Director of Central Intelligence has no genuine influence over elements of the intelligence community other than the Central Intelligence Agency because, among other things, the Director controls only a small portion of the funds, personnel, and related assets of the intelligence community. There is no structural mechanism to enforce the mandate of Executive Order 12333 that all elements of the intelligence community must fully cooperate with one another.

(7) As such, the existing intelligence structure is dysfunctional, and not organized to effectively respond to new and emerging threats. In fact, the intelligence apparatus of the United States has for decades grown more cumbersome and unaccountable and may now properly be characterized as a Cold War model in an era of terrorism.

(8) The existing dysfunctional structure of the intelligence community has severe consequences, as the Director of Central Intelligence—or those ostensibly under the Director’s control—missed, ignored, or failed to connect numerous warnings which could have averted the terrorist plot of September 11, 2001. Similar errors may have caused the Director to mislead the President on the nature of weapons of mass destruction threats as the Administration weighed military action against Iraq.

(9) Despite the best efforts of the Administration of President George W. Bush, Congress, and the American people, much of the dysfunction in the intelligence community—including the lack of common terrorist watchlists and the inability to detect and apprehend terrorists traveling in the United States—has not been remedied in the three years since the terrorist attacks of September 11, 2001.

(10) The final report of the National Commission on Terrorist Attacks Upon the United States, while making certain recommendations on the restructuring of the intelligence community to meet new and emerging terrorist threats, leaves much discretion to Congress in determining the scope and nature of the restructuring of the intelligence community.

(11) President George W. Bush on August 2, 2004, specifically requested that Congress create a national intelligence director in a “free-standing entity similar to a cabinet agency or an agency” and “who will have a great deal of budget authority” and will have “the same relationship to the White House and the President that the Secretary of Defense would have, the Secretary of the Department of Homeland Security, the Attorney General, [or] the Secretary of the Treasury would have.” The Executive Orders issued on August 27, 2004, while properly fo-

cusing on strengthened management of the intelligence community, strengthening information sharing, and the creation of a National Counterterrorism Center, also leaves a great deal of discretion to Congress to codify these matters in law and determine the scope and nature of the restructuring of the intelligence community.

(12) To effectively counter the grave threat of transnational terrorism, Secretary of Defense Donald Rumsfeld recently conceded, as he must, that “strong, entrenched agencies must be willing to give up some of their turf and authority in exchange for a stronger, faster, more efficient, government-wide effort”.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for fundamental reform of the intelligence community of the United States Government involving a robust Department of Intelligence and Director of Intelligence with control over the budgets, personnel, and related assets of the intelligence community.

(2) To compel the elements of the intelligence community to work together to accomplish their common mission, much as the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) fostered “jointness” among the various Armed Forces, in conformance with the requirements of law and Executive orders.

(3) To facilitate the provision to the President and the National Security Council of the necessary information on which to base decisions concerning the development and conduct of foreign policy, defense policy, and economic policy, and the protection of United States national interests from security threats, including threats related to transnational terrorism.

(4) To ensure that all means, consistent with United States laws, Executive orders, and regulations and with full consideration of the rights of United States persons, are used to develop intelligence for the President and the National Security Council.

(5) To create a structure for the intelligence community that will better serve the President in his duty under the Constitution of the United States to protect the security of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term “Department” means the Department of Intelligence.

(2) DIRECTOR.—The term “Director” means the Director of Intelligence.

(3) INTELLIGENCE.—The term “intelligence” includes foreign intelligence and counterintelligence.

(4) FOREIGN INTELLIGENCE.—The term “foreign intelligence” means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(5) COUNTERINTELLIGENCE.—The term “counterintelligence” means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(6) INTELLIGENCE COMMUNITY.—The term “intelligence community” includes—

(A) the Department, which shall include the Office of the Director of Intelligence and such other offices as the Director may designate or are prescribed by law;

(B) the Central Intelligence Agency;

(C) the National Security Agency;

(D) the Defense Intelligence Agency;

(E) the National Geospatial-Intelligence Agency;

(F) the National Reconnaissance Office;

(G) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

(H) the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Coast Guard;

(I) the Bureau of Intelligence and Research of the Department of State;

(J) the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information; and

(K) such other elements of any other department or agency of the United States as may be designated by the President, or designated jointly by the Director and the head of the department or agency concerned, as an element of the intelligence community.

(7) NATIONAL INTELLIGENCE; INTELLIGENCE RELATED TO THE NATIONAL SECURITY.—The terms “national intelligence” and “intelligence related to the national security” —

(A) refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director and the Attorney General, or otherwise as expressly provided for in this Act or otherwise provided by law.

(8) NATIONAL FOREIGN INTELLIGENCE PROGRAM.—The term “National Foreign Intelligence Program” refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director and the head of a department or agency of the United States Government or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.

(9) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

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

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

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

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

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to other nations or the persons or interests of other nations;

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

(D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

TITLE I—DEPARTMENT OF INTELLIGENCE

Subtitle A—Executive Department

SEC. 101. EXECUTIVE DEPARTMENT.

(a) EXECUTIVE DEPARTMENT.—The Department of Intelligence is an executive department of the United States.

(b) COMPOSITION.—The Department is composed of the following:

(1) The Office of the Director of Intelligence.

(2) The elements specified in title II.

(3) Such other offices, agencies, and activities as may be established by law or by the President.

(c) SEAL.—The Director shall have a seal for the Department. The design of the seal is subject to approval by the President. Judicial notice shall be taken of the seal.

SEC. 102. DIRECTOR OF INTELLIGENCE.

(a) DIRECTOR OF INTELLIGENCE.—There is a Director of Intelligence, who is the head of the Department of Intelligence, appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as Director shall have extensive national security expertise.

(c) TERM OF OFFICE.—(1) The term of service of the Director shall be 10 years.

(2) Paragraph (1) shall apply with respect to any individual appointed as Director after the date of the enactment of this Act.

(3) If the individual serving as the Director of Central Intelligence on the date of the enactment of this Act is the first person appointed as Director of Intelligence under this section, the date of appointment of such individual as Director of Intelligence shall be treated as the date of the commencement of the term of service of the individual as Director of Intelligence for purposes of this subsection.

(d) DUTIES AND RESPONSIBILITIES.—The Director shall—

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

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

(3) determine the annual budget for intelligence and intelligence-related activities of the United States Government in accordance with section 133.

Subtitle B—Office of the Director of Intelligence

SEC. 111. OFFICE OF THE DIRECTOR OF INTELLIGENCE.

(a) OFFICE OF DIRECTOR OF INTELLIGENCE.—There is within the Department an Office of the Director of Intelligence.

(b) FUNCTION.—The function of the Office of the Director of Intelligence is to assist the Director in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law and to carry out such other duties as may be prescribed by law.

(c) COMPOSITION.—The Office of the Director of Intelligence is composed of the following:

(1) The Deputy Director of Intelligence.

(2) The National Counterterrorism Center.

(3) Other national intelligence centers established under section 114.

(4) The Assistant Director of Intelligence for Research, Development, and Procurement.

(5) The Assistant Director of Intelligence for Civil Liberties and Privacy.

(6) The National Intelligence Council.

(7) The General Counsel of the Department of Intelligence.

(8) The Inspector General of the Department of Intelligence.

(9) The Intelligence Comptroller.

(10) The Chief Information Officer of the Department of Intelligence.

(11) The Chief Financial Officer of the Department of Intelligence.

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

(d) STAFF.—(1) To assist the Director in fulfilling the responsibilities of the Director as head of the intelligence community, the Director shall employ and utilize in the Office of the Director of Intelligence a professional staff having an expertise in matters relating to such responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office under paragraph (1) shall include the elements of the Community Management Staff that are transferred to the Office under title IV.

(3) To the maximum extent practicable, the Director shall utilize existing personnel, resources, and expertise in organizing the staff of the Office under paragraph (1).

SEC. 112. DEPUTY DIRECTOR OF INTELLIGENCE.

(a) DEPUTY DIRECTOR OF INTELLIGENCE.—There is a Deputy Director of Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as Deputy Director of Intelligence shall have extensive national security expertise.

(c) DUTIES AND RESPONSIBILITIES.—The Deputy Director of Intelligence shall, subject to the direction of the Director, be responsible for assisting the Director in carrying out the responsibilities of the Director, including—

(1) assisting the Director in the development and execution of budgets under section 133, evaluating programs, and exercising authority under section 133(f) with respect to reprogramming and reallocation of funds and transfers of personnel;

(2) assisting the Director in the transition of elements of the intelligence community to the Department under this Act;

(3) assisting the Director in the development, implementation, and management of a personnel system for intelligence community personnel;

(4) collecting data and preparing separate quarterly reports on the obligation and expenditures of funds from the elements of the intelligence community under the National Foreign Intelligence Program;

(5) assisting the Director in the establishment of the National Counterterrorism Center and the national intelligence centers;

(6) assisting the Director in the management and administration of the staff of the Office of the Director of Intelligence;

(7) assisting the Director in performing management functions across the intelligence community, including the management of personnel and resources;

(8) assisting the Director in ensuring that the elements of the intelligence community make better use of open source intelligence analysis;

(9) assisting the Director in directing the efficient and effective tasking of national intelligence collection using technical means and human sources;

(10) assisting the Director with the establishment of standards, requirements, and priorities for the analysis and production of intelligence by all elements of the intelligence community;

(11) assisting the Director in overseeing the collection, analysis, production, and dissemination of intelligence by all elements of the intelligence community;

(12) assisting the Director in monitoring the allocation of resources for the collection, analysis, and production of intelligence in order to identify any unnecessary duplication in the collection, analysis and production of intelligence;

(13) assisting the Director in directing the competitive analysis of analytical products having national importance;

(14) assisting the Director with the establishment of priorities and requirements for daily tasking of collection, analysis, and dissemination of information;

(15) assisting the Director in conducting daily tasking of collection, analysis, and dissemination of information;

(16) assisting the Director in providing advisory guidance on the tasking of collection, analysis, and dissemination of information to elements of the departments and agencies of the United States Government that collect intelligence and are not within the National Foreign Intelligence Program;

(17) assisting the Director with the establishment of procedures and mechanisms to provide for real-time automated tasking across multiple intelligence disciplines, such as signals intelligence, measurement and signature intelligence, human intelligence, imagery intelligence, and electronic intelligence;

(18) assisting the Director in assessing the performance of the elements of the intelligence community with respect to tasking requests and priorities; and

(19) making recommendations to the Director regarding the assignment within the Department of officers or employees of the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and other elements of the Department to assist in the tasking of collection, analysis, and dissemination of information to all elements of the intelligence community under the National Foreign Intelligence Program.

(d) **POWER TO ACT AS DIRECTOR OF INTELLIGENCE.**—The Deputy Director of Intelligence shall act for, and exercise the powers of, the Director during the Director's absence or disability or during a vacancy in the position of Director of Intelligence.

(e) **PRECEDENCE IN OFFICE OF DIRECTOR OF INTELLIGENCE.**—The Deputy Director of Intelligence takes precedence in the Office of the Director of Intelligence immediately after the Director.

SEC. 113. NATIONAL COUNTERTERRORISM CENTER.

(a) **NATIONAL COUNTERTERRORISM CENTER.**—There is a National Counterterrorism Center.

(b) **MISSIONS.**—(1) The missions of the National Counterterrorism Center shall be as follows:

(A) To serve as the primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism or counterterrorism (other than purely domestic counterterrorism information) and, in furtherance of such mission—

(i) to receive, retain, and disseminate information from any department, agency, or other element of the Federal Government, any State or local government, or any other source to the extent consistent with applicable law; and

(ii) to respond to inquiries from any department, agency, or other element of the Federal Government, or any State or local government agency, that is discharging counterterrorism responsibilities in order to assist such department, agency, or element in discharging such responsibilities.

(B) To conduct strategic planning for operations for counterterrorism activities that integrate all instruments of National power, including diplomacy, finance, military force, intelligence, homeland security, and law enforcement.

(C) Consistent with applicable law, to assign general responsibilities for counterterrorism in support of strategic plans under paragraph (2) to departments, agencies, and

elements of the United States Government having counterterrorism responsibilities, and provide such departments, agencies, and elements with access to intelligence necessary to accomplish the responsibilities so assigned, without undertaking the direction of such operations.

(D) To serve as the central and shared information repository within the United States Government on terrorism information.

(E) To ensure that appropriate departments, agencies, and elements of the United States Government have access to and receive all-source intelligence support necessary to execute their counterterrorism plans or perform alternative, independent analysis.

(F) To unify the strategic intelligence and planning of operations against transnational terrorist threats across the foreign-domestic divide.

(G) To foster joint action among the department, agencies, and elements of the United States Government involved in counterterrorism.

(H) To oversee the counterterrorism operations of the United States Government.

(I) To ensure that an accountable official has authority to guide the Government-wide counterterrorism efforts of the United States Government.

(2) A department, agency, or element of the United States Government that objects to the assignment of general operational authority to such department, agency, or element under paragraph (1)(C) shall notify the National Security Council and the Homeland Security Council under title IX of the Homeland Security Act of 2002 (6 U.S.C. 491 et seq.) of such objection.

(c) **ADMINISTRATOR OF NATIONAL COUNTERTERRORISM CENTER.**—(1) There is an Administrator of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as Administrator of the National Counterterrorism Center shall have significant expertise in matters relating to the national security of the United States and matters relating to terrorism that threatens the national security of the United States.

(d) **DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR.**—Notwithstanding any other provision of law, at the policy direction of the President and the National Security Council, the Administrator of the National Counterterrorism Center shall, through the Director, be responsible for the following insofar as it relates to counterterrorism:

(1) Serving as the principal advisor to the President on counterterrorism matters.

(2) Directing the efficient and effective tasking of national intelligence collection using technical means and human sources.

(3) Establishing standards and priorities relating to the analysis and production of intelligence by the elements of the intelligence community.

(4) Directing the tasking of analysis and production of intelligence by the elements of the intelligence community.

(5) Directing competitive analysis of analytical products having national importance.

(6) Identifying intelligence requirements.

(e) **AUTHORITIES OF ADMINISTRATOR.**—In carrying out the duties and responsibilities specified in subsection (d), the Administrator of the National Counterterrorism Center shall—

(1) monitor the implementation of counterterrorism operations and coordinate the updating of plans for such operations as needed;

(2) oversee interagency task forces on counterterrorism (including task forces of the Central Intelligence Agency, the Federal Bureau of Investigation, and other departments, agencies, and elements of the United States Government), and, as the Administrator determines necessary, incorporate the coordinating activities of such task forces into the Center;

(3) incorporate into the Center any interagency planning of operations on counterterrorism that is being conducted by the staff of the National Security Council as of the date of the enactment of this Act;

(4) establish priorities and requirements for, and coordinate the efficient and effective tasking of, national intelligence collection on counterterrorism, whether inside or outside the United States, using technical means and human sources, including the establishment of mechanisms and procedures to provide for automated tasking across multiple intelligence disciplines in real time;

(5) develop assessments comparing terrorist capabilities and intentions with United States defenses against such threats (commonly referred to as "net-assessments");

(6) provide warnings of terrorist threats as directed by the President;

(7) incorporate, as necessary, the perspectives and needs of State and local counterterrorism officials in implementing the mission of the Center; and

(8) access, as considered necessary by the Administrator for the performance of the functions of the Center, information to which the Administrator is granted access by subsection (i).

(f) **DEPUTY ADMINISTRATORS OF NATIONAL COUNTERTERRORISM CENTER.**—(1) There is in the National Counterterrorism Center a Deputy Administrator of the National Counterterrorism Center for Intelligence who shall be appointed by the Administrator of the National Counterterrorism Center.

(2) There is in the National Counterterrorism Center a Deputy Administrator of the National Counterterrorism Center for Operations who shall be appointed by the Administrator of the National Counterterrorism Center.

(3) The Deputy Administrators shall have the responsibilities set forth in subsection (g).

(g) **DUTIES AND RESPONSIBILITIES OF DEPUTY ADMINISTRATORS.**—(1) The Deputy Administrator of the National Counterterrorism Center for Intelligence shall have responsibilities for matters as follows:

(A) Strategic analysis of terrorist threats.

(B) The pooling of all-source intelligence (whether domestic or foreign) about transnational terrorist organizations with worldwide reach.

(C) The development of assessment comparing terrorist capabilities and intentions with United States defenses against such threats (commonly referred to as "net assessments").

(D) The provision of warnings on terrorist threats.

(E) The discharge of the tasking of national intelligence under subsection (d) and (e).

(F) The duties of the Terrorist Threat Integration Center (TTIC) transferred to the Department under title IV.

(2) The Deputy Administrator of the National Counterterrorism Center for Operations shall have responsibilities as follows:

(A) Joint planning for the assignment of responsibilities for operations to lead agencies.

(B) The tracking of operations so assigned.

(C) The overall coordination of operations of the intelligence community.

(h) STAFF.—(1) To assist the Administrator of the National Counterterrorism Center in fulfilling the responsibilities of the Administrator under this section, the Administrator shall employ and utilize in the Center a professional staff having an expertise in matters relating to such responsibilities.

(2) The head of any element of the intelligence community may, upon the request of the Director, assign or detail to the Center any officer or employee of such element to assist the Administrator in carrying out the responsibilities of the Administrator under this section.

(i) ACCESS TO TERRORISM INFORMATION.—The head of each department, agency, or other element of the United States Government that possesses or acquires terrorism information shall—

(1) give prompt access to such information to the Administrator of the National Counterterrorism Center, unless otherwise expressly prohibited by law or otherwise directed by the President;

(2) cooperate in, and facilitate the production of, reports based on terrorism information with contents and formats that permit dissemination of such information in a manner that maximizes the utility of such information in protecting the territory, people, and interests of the United States; and

(3) if such department, agency, or other element conducts diplomatic, financial, military, homeland security, intelligence, or law enforcement activities relating to counterterrorism, keep the Administrator fully and currently informed of such activities, unless expressly prohibited by law or otherwise directed by the President.

SEC. 114. OTHER NATIONAL INTELLIGENCE CENTERS.

(a) NATIONAL INTELLIGENCE CENTERS.—(1) The Director shall establish within the Department one or more centers (to be known as “national intelligence centers”) to address intelligence priorities established by the National Security Council.

(2) Each national intelligence center shall be assigned an area of intelligence responsibility, whether expressed in terms of a geographic region (including the Middle East), in terms of function (including counterterrorism, proliferation of weapons of mass destruction, and international crime and narcotics), or in other terms.

(b) REQUIREMENTS RELATING TO ESTABLISHMENT OF CENTERS.—(1) In establishing a national intelligence center, the Director shall assign lead responsibility for such center to an element of the intelligence community selected by the Director for that purpose.

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

(3) The Director shall notify the congressional intelligence committees of the establishment of a national intelligence center not later than 60 days before the date of the establishment of the center.

(c) MISSION OF CENTERS.—(1) Each national intelligence center shall provide joint all source intelligence analysis and planning of intelligence operations in the area of intelligence responsibility assigned the center by the Director pursuant to intelligence priorities established by the National Security Council.

(2) As part of its intelligence analysis mission, a national intelligence center shall—

(A) undertake primary responsibility for strategic and tactical intelligence analysis, fusing all-source intelligence, whether foreign or domestic, on the area of intelligence responsibility of the center;

(B) develop intelligence net assessments;

(C) provide threat warnings to the Director and to appropriate departments, agencies, and elements of the United States Govern-

ment for further dissemination at the State and local level; and

(D) direct foreign and domestic intelligence collection and analysis to address threats and to support implementation of operations.

(3) As part of its mission to plan intelligence operations, a national intelligence center shall—

(A) develop, based on policy objectives and priorities established by the National Security Council, plans for operations for intelligence collection for its area of intelligence responsibility;

(B) assign responsibilities for operations for intelligence collection for its area of intelligence responsibility to the elements of the intelligence community, which operations shall be directed and conducted by the elements of the intelligence community concerned; and

(C) oversee implementation of such plans and operations, and update such plans, as the administrator of the center considers appropriate.

(d) SUPERVISION.—The administrator of each national intelligence center shall report directly to the Director in order to ensure adequate sharing of intelligence analysis and adequate planning of intelligence operations in the area of intelligence responsibility assigned to such center.

(e) STAFF OF CENTERS.—(1) The head of an element of the intelligence community shall, upon the request of the administrator of a national intelligence center and with the approval of the Director, assign or detail to the center any personnel, including intelligence analysts and intelligence operations specialists, of such element as the administrator of the center considers appropriate to carry out the mission of the center.

(2) Personnel assigned or detailed to a national intelligence center under paragraph (1) shall be under the authority, direction, and control of the administrator of the center on all matters for which the center has been assigned responsibility and for all matters related to the accomplishment of the mission of the center.

(3) Performance evaluations of personnel assigned or detailed to a national intelligence center under this subsection shall be undertaken by the supervisors of such personnel at the center.

(4) The supervisors of the staff of a national center may, with the approval of the Director, reward the staff of the center for meritorious performance by the provision of such performance awards as the Director shall prescribe.

(5) The administrator of a national intelligence center may recommend to the head of the element of the intelligence community concerned the reassignment to such element of any personnel of such element previously assigned or detailed to the center.

(f) MODIFICATION OR TERMINATION OF CENTERS.—(1) The Director may terminate a national intelligence center if the Director determines that the center is no longer required to meet an intelligence priority established by the National Security Council.

(2) The Director may from time to time recommend to the National Security Council a modification of the mission or responsibilities of a national intelligence center, and may, with the approval of the National Security Council, modify the mission or responsibilities of a national intelligence center.

(g) SUPPORT.—The element of the intelligence community assigned lead responsibility for a national intelligence center under subsection (b)(1) shall be responsible for the provision of administrative support for the center, including the provision of funds to the center necessary for the administration of the center, until such time as

the center is included in the National Foreign Intelligence Program Budget.

SEC. 115. ASSISTANT DIRECTOR OF INTELLIGENCE FOR RESEARCH, DEVELOPMENT, AND PROCUREMENT.

(a) ASSISTANT DIRECTOR OF INTELLIGENCE FOR RESEARCH, DEVELOPMENT, AND PROCUREMENT.—There is an Assistant Director of Intelligence for Research, Development, and Procurement who shall be appointed by the Director.

(b) DIRECTION.—The Assistant Director of Intelligence for Research, Development, and Procurement shall report to the Director regarding the activities of the Assistant Director.

(c) PRINCIPAL RESPONSIBILITIES.—The Assistant Director of Intelligence for Research, Development, and Procurement shall—

(1) manage and oversee the research and development activities of the intelligence community with respect to the intelligence and intelligence-related activities of the United States Government;

(2) ensure that research and development projects are consistent with national intelligence requirements;

(3) establish priorities among such projects in order to address deficiencies in the collection, analysis, and dissemination of national intelligence;

(4) account for funding constraints in program development and acquisition;

(5) address system requirements from collection to final dissemination (also known as “end-to-end architecture”); and

(6) in consultation with the Director, the Chief Information Officer of the Department of Intelligence, and the Intelligence Comptroller, ensure that tactical military intelligence systems, military systems, and national intelligence systems are sufficiently interoperable.

(e) RESPONSIBILITY FOR PERFORMANCE OF SPECIFIC FUNCTION.—In carrying out responsibilities under this section, the Assistant Director of Intelligence for Research, Development, and Procurement shall ensure through the National Reconnaissance Office the continued operation of an effective unified organization for the research, development, and acquisition of overhead reconnaissance systems necessary to satisfy—

(1) the requirements of all elements of the intelligence community; and

(2) the needs of the Department of Defense, including the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands.

SEC. 116. ASSISTANT DIRECTOR OF INTELLIGENCE FOR CIVIL LIBERTIES AND PRIVACY.

(a) ASSISTANT DIRECTOR OF INTELLIGENCE FOR CIVIL LIBERTIES AND PRIVACY.—There is an Assistant Director of Intelligence for Civil Liberties and Privacy who shall be appointed by the Director.

(b) DIRECTION.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall report to the Director regarding the activities of the Assistant Director.

(c) DUTIES AND RESPONSIBILITIES.—The Assistant Director of Intelligence for Civil Liberties and Privacy shall—

(1) serve as the head of the Office of Civil Liberties and Privacy under section 242; and

(2) in that capacity, have the duties and responsibilities specified in that section.

SEC. 117. NATIONAL INTELLIGENCE COUNCIL.

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

(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of substantive experts on matters addressed by the Council who shall be appointed by, report to, and serve at the pleasure of the Director.

(2) The Director shall prescribe appropriate security requirements for service on the

Council to ensure the protection of intelligence sources and methods.

(c) DUTIES AND RESPONSIBILITIES.—(1) The National Intelligence Council shall—

(A) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community;

(B) evaluate intelligence community-wide collection, analysis, and production of intelligence and the requirements and resources of the collection, analysis, and production of such intelligence; and

(C) otherwise assist the Director in carrying out the responsibilities described in section 131.

(2)(A) National intelligence estimates produced under paragraph (1)(A) shall—

(i) separately state, and distinguish between, the intelligence underlying the estimate and the assumptions and judgment of analysts with respect to that intelligence and estimate;

(ii) describe the quality and reliability of the intelligence underlying the estimates; and

(iii) present and explain alternative conclusions with respect to the intelligence and estimates.

(B) Before publication and distribution of a national intelligence estimate, the estimate shall be certified by both the Director and the Chairman of the Council as approved for publication and distribution.

(d) ACCESS TO INTELLIGENCE.—To the extent approved by the President and recommended by the Director, the National Intelligence Council shall have access to all intelligence related to the national security that is necessary for its duties and responsibilities under this section.

(e) CONTRACT AUTHORITY.—Subject to the direction and control of the Director, the National Intelligence Council may carry out its duties and responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.

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

(g) AVAILABILITY TO POLICYMAKERS.—The National Intelligence Council shall be readily accessible to policymaking officials of the United States.

(h) ASSISTANCE OF INTELLIGENCE COMMUNITY.—The heads of the elements of the intelligence community shall, as appropriate, furnish such support to the National Intelligence Council, including the preparation of intelligence analyses, as may be required by the Director.

SEC. 118. GENERAL COUNSEL OF THE DEPARTMENT OF INTELLIGENCE.

(a) GENERAL COUNSEL.—There is a General Counsel of the Department of Intelligence who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) PROHIBITION ON DUAL SERVICE AS GENERAL COUNSEL OF ANOTHER AGENCY.—The individual serving in the position of General Counsel of the Department of Intelligence may not, while so serving, also serve as the General Counsel of any other department, agency, or element of the United States Government.

(c) SCOPE OF POSITION.—The General Counsel of the Department of Intelligence is the chief legal officer of the Department.

(d) FUNCTIONS.—The General Counsel of the Department of Intelligence shall perform such functions as the Director may prescribe.

SEC. 119. INSPECTOR GENERAL OF THE DEPARTMENT OF INTELLIGENCE.

(a) INSPECTOR GENERAL.—There is an Inspector General of the Department of Intelligence who shall be appointed as provided in section 3 of the Inspector General Act of 1978 (5 U.S.C. App. 3).

(b) SUPERVISION AND CONTROL; REMOVAL.—(1) The Inspector General of the Department of Intelligence shall report to and be under the general supervision of the Director.

(2) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Department of Intelligence—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Department and the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the Director fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports;

(4) to prepare semiannual reports as provided in subsection (d); and

(5) to perform such other duties specified for inspectors general in the Inspector General Act of 1978 as the Director shall prescribe.

(d) POWERS AND AUTHORITIES.—(1)(A) The Inspector General of the Department of Intelligence shall have access to any employee or any employee of a contractor of the Department or any other element of the intelligence community whose testimony is needed for the performance of the duties and responsibilities of the Inspector General.

(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

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

(2) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Department or any other element of the intelligence community—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspec-

tor General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Agency or any other element of the intelligence community in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(3) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the Inspector General's duties, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(4) The Inspector General shall have such additional powers and authorities specified for inspectors general in the Inspector General Act of 1978 as the Director shall prescribe.

(e) SEMI-ANNUAL REPORTS.—(1) Not later than April 30 and October 31 each year, the Inspector General of the Department of Intelligence shall submit to the Director a report on the activities of the Inspector General under this section during the six-month period ending March 31 and September 30 of such year, respectively.

(2) Each report shall include, for the period covered by such report, the following:

(A) The matters specified for semiannual reports of inspectors general in section 5 of the Inspector General Act of 1978.

(B) An assessment of the effectiveness of all measures in place in the Department for the protection of civil liberties and privacy of United States persons.

(3) Not later than 30 days after receipt of a report under paragraph (1), the Director shall transmit to the congressional intelligence committees a complete, unabridged copy of such report together with such comments on such report as the Director considers appropriate.

(f) COOPERATION WITH OTHER INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—Each inspector general of an element of the intelligence community shall cooperate fully with the Inspector General of the Department of Intelligence in the performance of any duty or function by the Inspector General of the Department of Intelligence under this section regarding such element.

(g) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—The performance by the Inspector General of the Department of Intelligence of any duty or function regarding an element of the intelligence community may not be construed to modify or affect the responsibility of any other inspector general having responsibilities regarding the element of the intelligence community.

SEC. 120. INTELLIGENCE COMPTROLLER.

(a) INTELLIGENCE COMPTROLLER.—There is an Intelligence Comptroller who shall be appointed by the Director.

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

(c) DUTIES.—The Intelligence Comptroller shall—

(1) assist the Secretary of Defense in the preparation and execution of the budget of the Department of Defense insofar as such budget relates to the tactical intelligence programs;

(2) assist the Deputy Director of Intelligence in the preparation and execution of the budget of the intelligence community under the National Foreign Intelligence Program;

(3) provide unfettered access to the Director to financial information under the National Foreign Intelligence Program; and

(4) provide information to the Deputy Director of Intelligence necessary for reports under section 112(c)(4).

(d) STAFF.—The staff of the Intelligence Comptroller shall consist of personnel of the intelligence community who are assigned to the staff by the Director, in consultation with the heads of the other elements of the intelligence community.

SEC. 121. CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF INTELLIGENCE.

(a) CHIEF INFORMATION OFFICER OF DEPARTMENT OF INTELLIGENCE.—There is a Chief Information Officer of the Department of Intelligence who shall be appointed by the Director.

(b) ELIGIBILITY FOR APPOINTMENT.—Any individual appointed as Chief Information Officer of the Department of Intelligence shall have extensive experience in the management, operation, and maintenance of complex information networks, including the use of advanced information technology applications and products to promote the efficient and secure exchange of information across such networks.

(c) DUTIES AND RESPONSIBILITIES.—The Chief Information Officer of the Department of Intelligence shall—

(1) develop an integrated information technology network that provides for the efficient and secure exchange of intelligence information among the elements of the intelligence community and, as directed by the President, other departments, agencies, and elements of the United States Government and of State and local governments;

(2) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture;

(3) ensure that the elements of the intelligence community have direct and continuous electronic access to all information (including unevaluated intelligence) necessary for appropriately cleared analysts to conduct comprehensive all-source analysis and for appropriately cleared policymakers to perform their duties;

(4) review and provide recommendations to the Director on intelligence community budget requests for information technology and national security systems;

(5) ensure the interoperability of information technology and national security systems throughout the intelligence community;

(6) promulgate and enforce standards on information technology and national security systems that apply throughout the intelligence community;

(7) provide for the elimination of duplicate information technology and national security systems within and between the elements of the intelligence community; and

(8) maintain a consolidated inventory of mission critical and mission essential information systems for the intelligence community, identify interfaces between such systems and other information systems, and develop and maintain contingency plans for responding to a disruption in the operation of any of such systems.

SEC. 122. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF INTELLIGENCE.

(a) CHIEF FINANCIAL OFFICER OF DEPARTMENT OF INTELLIGENCE.—There is a Chief Financial Officer of the Department of Intelligence who shall be appointed from civilian life by the Director.

(b) SUPERVISION.—The Chief Financial Officer of the Department of Intelligence shall report directly to the Director.

(c) DUTIES AND RESPONSIBILITIES.—The Chief Financial Officer of the Department of Intelligence shall, in consultation with the Intelligence Comptroller—

(1) assist the Director and the Deputy Director of Intelligence in the preparation and execution of the budget of the elements of the intelligence community under the National Foreign Intelligence Program;

(2) assist the Secretary of Defense in the preparation and execution of the budget of the Department of Defense insofar as such budget relates to the elements of the intelligence community within the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program; and

(3) provide unfettered access to the Director to financial information under the National Foreign Intelligence Program.

(d) STAFF.—The staff of the Chief Financial Officer of the Department of Intelligence shall consist of personnel of the elements of the intelligence community who are assigned to the staff by the Director.

SEC. 123. MILITARY STATUS OF DIRECTOR OF INTELLIGENCE AND DEPUTY DIRECTOR OF INTELLIGENCE.

(a) IN GENERAL.—(1) Not more than one of the individuals serving in the positions specified in subsection (b) may be a commissioned officer of the Armed Forces in active status.

(2) It is the sense of Congress that at least one of the individuals serving in a position specified in subsection (b) should be a commissioned officer of the Armed Forces, whether in active or retired status.

(b) COVERED POSITIONS.—The positions referred to in this subsection are the following:

- (1) The Director.
- (2) The Deputy Director of Intelligence.

(c) SERVICE OF COMMISSIONED OFFICERS.—(1) A commissioned officer of the Armed Forces, while serving in a position specified in subsection (b)—

(A) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

(B) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense, except as otherwise authorized by law; and

(C) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the appointment of an officer of the Armed Forces to a position specified in subsection (b) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in subsection (b), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director.

Subtitle C—Mission, Responsibilities, and Authorities

SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.

(a) PROVISION OF NATIONAL INTELLIGENCE.—The Director shall be responsible for providing national intelligence—

- (1) to the President;
- (2) to the heads of other departments and agencies of the executive branch;
- (3) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and
- (4) upon request, to the Senate and House of Representatives and the committees thereof.

(b) SENSE OF CONGRESS.—The national intelligence provided under subsection (a) should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 132. RESPONSIBILITIES OF DIRECTOR OF INTELLIGENCE.

(a) IN GENERAL.—The Director shall, in consultation with the heads of relevant entities and taking into consideration the intelligence requirements established by the National Security Council for purposes of national security and foreign policy—

(1) direct and manage the tasking of collection, analysis, and dissemination of national intelligence by elements of the intelligence community, including the establishment of requirements and priorities of such tasking;

(2) approve collection and analysis requirements, determine collection and analysis priorities, and resolve conflicts in collection and analysis priorities levied on national collection and analysis assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President;

(3) promote and evaluate the utility of national intelligence to consumers within the United States Government;

(4) eliminate waste and unnecessary duplication within the intelligence community;

(5) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or Executive order;

(6) establish requirements and procedures for the classification of information;

(7) establish requirements and procedures for the dissemination of classified information by elements of the intelligence community;

(8) establish intelligence reporting guidelines while protecting intelligence sources and methods;

(9) oversee and ensure compliance by each element of the intelligence community with the statutes and Executive orders of the United States, including laws related to the protection of civil liberties and privacy of United States persons;

(10) protect intelligence sources and methods from unauthorized disclosure as provided in subsection (b);

(11) establish and implement policies and procedures governing access to, and use of, specified data base information by officers and employees of the elements of the intelligence community and, as directed by the President (after recommendations by the Attorney General), law enforcement personnel of the United States Government;

(12) develop, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate departments and agencies of the United States Government, an integrated communications network that provides interoperable communications capabilities among all elements of the intelligence community and such other entities and persons as the Director considers appropriate;

(13) develop and implement, in consultation with the heads of the other elements of the intelligence community, policies and programs within the intelligence community for the rotation of personnel among the elements of the intelligence community in a manner that—

(A) makes service in more than one element of the intelligence community pursuant to such rotation a condition of promotion to such positions within the intelligence community as the Director shall specify;

(B) ensures the effective management of intelligence community personnel who are specially training in intelligence community-wide matters; and

(C) establishes standards for education and training that will facilitate assignments to the national intelligence centers under section 114;

(14) consolidate and manage a common personnel security system for the Department;

(15) develop and implement, as necessary, a common personnel system and common retirement and disability system for the Department;

(16) ensure that the composition of the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence by recruiting and training for service in the intelligence community women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(17) appoint officers or employees of the Department of Homeland Security, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and other elements of the Department of Intelligence to serve as tasking directors to assist in the tasking of collection, analysis, and dissemination of information for all elements of the intelligence community under the National Foreign Intelligence Program;

(18) in accordance with the provisions of section 106 of the National Security Act of 1947 (50 U.S.C. 403-6), make recommendations to the President regarding the appointment of certain heads of elements of the intelligence community;

(19) develop such objectives and guidance for the intelligence community as, in the judgment of the Director, are necessary to ensure the timely and effective collection, processing, analysis, and dissemination of intelligence, of whatever nature and from whatever source derived, concerning current and potential threats to the security of the United States and its interests, and to ensure that the National Foreign Intelligence Program is structured adequately to achieve such objectives;

(20) work with the elements of the intelligence community to ensure that the intelligence collection activities of the United States Government are integrated in—

(A) collecting against enduring and emerging threats to the national security of the United States;

(B) maximizing the value of such intelligence collection to the national security of the United States; and

(C) ensuring that all collected data is available, to the maximum extent practicable, for integration, analysis, and dis-

semination to those who can act on, add value to, or otherwise apply it to mission needs;

(21) ensure that appropriate departments, agencies, and elements of the United States Government have access to, and receive, all-source intelligence support needed to perform independent, alternative analysis;

(22) establish policies, procedures, and mechanisms that translate intelligence objectives and priorities approved by the President into specific guidance for the intelligence community;

(23) receive access to all foreign intelligence, counterintelligence, and national intelligence, including intelligence derived from activities of any department, agency, or element of the United States Government, and to all other information that is related to the national security or is otherwise required for the performance of the duties of the Director, except in cases in which the access of the Director to such information is expressly prohibited by law, by the President, or by the Attorney General acting at the direction of the President;

(24) consistent with section 133, review, and approve or disapprove, any proposal to—

(A) reprogram funds within an appropriation for the National Foreign Intelligence Program;

(B) transfer funds from an appropriation for the National Foreign Intelligence Program to an appropriation that is not for the National Foreign Intelligence Program within the intelligence community; or

(C) transfer funds from an appropriation that is not for the National Foreign Intelligence Program within the intelligence community to an appropriation for the National Foreign Intelligence Program;

(25) ensure that any intelligence and operational systems and architectures of the departments, agencies, and elements of the United States Government are consistent with national intelligence requirements set by the Director and all applicable information sharing and security guidelines and information privacy requirements;

(26) in consultation with the Attorney General, set forth common standards, through written requirements, procedures, and guidelines, for the collection and sharing of information collected abroad and in the United States by the elements of the intelligence community, and with State and local governments in consultation with the Secretary of Homeland Security, while to the maximum extent practicable, protecting the privacy and civil liberties of United States persons and ensuring that relevant officers of the United States Government are provided with clear, understandable, consistent, effective, and lawful procedures and guidelines for the collection, handling, distribution, and retention of information;

(27) require, at the outset of the intelligence collection and analysis process, the creation of records and reporting, for both raw and processed information, in such a manner that sources and methods are protected so that the information can be distributed at lower classification levels, and by creating unclassified versions for distribution whenever possible;

(28) require information to be shared free of originator controls, including controls requiring the consent of the originating agency prior to the dissemination of the information outside any other agency to which it has been made available, and otherwise minimizing the applicability of information compartmentalization systems to information while holding personnel accountable for increased sharing of intelligence related to the national security;

(29) direct, supervise, and control all aspects of national intelligence, including the

programs, projects, and activities of the national intelligence centers; and

(30) perform such other functions as the President may direct.

(b) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) In order to protect intelligence sources and methods from unauthorized disclosure and, consistent with that protection, to maximize the dissemination of intelligence, the Director shall establish and implement guidelines for the following purposes:

(A) The classification of information.

(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

(C) The preparation of intelligence reports to ensure that, to the maximum extent practicable, information contained in such reports is also available in unclassified form.

(2) The Director may not delegate a duty or authority under this subsection.

(c) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The President, acting through the Director, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any department, agency, or element of the United States Government and to employees of contractors of the departments, agencies, and elements of the United States Government;

(2) ensure the consistent implementation of those standards and procedures throughout the departments, agencies, and elements of the United States Government; and

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

SEC. 133. AUTHORITIES OF DIRECTOR OF INTELLIGENCE.

(a) ACCESS TO INTELLIGENCE.—To the extent approved by the President, the Director shall have access to all intelligence related to the national security which is collected by any department, agency, or other element of the United States Government.

(b) DETERMINATION OF BUDGETS FOR NFIP AND OTHER INTELLIGENCE ACTIVITIES.—The Director shall determine, as appropriate, the annual budget for intelligence and intelligence-related activities of the United States under section 102(d)(3) by—

(1) developing and presenting to the President an annual budget for the National Foreign Intelligence Program, including, in furtherance of such budget—

(A) the preparation, review, modification, and approval of budgets of the elements of the intelligence community; and

(B) the preparation, review, modification, and approval of personnel and resource allocations by the elements of the intelligence community;

(2) participating in the development by the Secretary of Defense of the annual budget for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;

(3) having direct jurisdiction of amounts appropriated or otherwise made available for the National Foreign Intelligence Program as specified in subsection (e); and

(4) managing and overseeing the execution, and, if necessary, the modification of the annual budget for the National Foreign Intelligence Program, including directing the reprogramming and reallocation of funds, and the transfer of personnel, among and between elements of the intelligence community in accordance with subsection (f).

(c) BUDGET AUTHORITIES.—(1) For purposes of subsection (b)—

(A) the Director shall, acting through the Deputy Director of Intelligence, direct, coordinate, and prepare the annual budgets of

the elements of the intelligence community within the National Foreign Intelligence Program, in consultation with the heads of such elements;

(B) the Director shall provide guidance for the development of the annual budgets for such other elements of the intelligence community as are not within the National Foreign Intelligence Program;

(C) the heads of the elements referred to in subparagraph (B), shall coordinate closely with the Deputy Director of Intelligence in the development of the budgets of those elements, before the submission of their recommendations to the Director for approval; and

(D) the budget of any element of the intelligence community within the National Foreign Intelligence Program may not be provided to the President for transmission to Congress unless the Director has approved such budget.

(2)(A) In preparing and presenting an annual budget under subsection (b)(1), the Director shall develop the annual budget for the elements of the intelligence community within the National Foreign Intelligence Program.

(B) If any portion of the budget for an element of the intelligence community is prepared outside the Office of the Director of Intelligence, the Director—

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

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

(d) **MANAGEMENT AND OVERSIGHT OF NATIONAL FOREIGN INTELLIGENCE PROGRAM.**—(1) The Director shall manage and oversee the execution by each element of the intelligence community of any amounts appropriated or otherwise made available to such element under the National Foreign Intelligence Program.

(2) Consistent with subsections (e) and (f), the Director may modify the resource and personnel allocations of any element of the intelligence community.

(e) **JURISDICTION OF FUNDS UNDER NFIP.**—Notwithstanding any other provision of law and consistent with section 504 of the National Security Act of 1947 (50 U.S.C. 414), any amounts appropriated or otherwise made available for the National Foreign Intelligence Program shall be considered to be appropriated or otherwise made available to, and under the direct jurisdiction, management, and oversight of, the Director.

(f) **REPROGRAMMING AND REALLOCATION OF FUNDS AND TRANSFER OF PERSONNEL UNDER NFIP.**—(1)(A) Consistent with section 504 of the National Security Act of 1947, the Director of Intelligence may, with the approval of the Director of the Office of Management and Budget and in accordance with procedures developed by the Director of Intelligence, reprogram funds appropriated or otherwise made available for a program within the National Foreign Intelligence Program to another such program.

(B) Consistent with section 504 of the National Security Act of 1947, no funds appropriated or otherwise made available under the National Foreign Intelligence Program may be reprogrammed by any element of the intelligence community without the prior approval of the Director except in accordance with procedures issued by the Director.

(2) Consistent with section 504 of the National Security Act of 1947, the Director may reallocate funds appropriated or otherwise made available for a program within the National Foreign Intelligence Program for other purposes under such program.

(3) Consistent with section 504 of the National Security Act of 1947, the Director

may, in accordance with procedures developed by the Director, transfer personnel authorized for an element of the intelligence community to another element of the intelligence community for a period of up to a year.

(4) Consistent with section 504 of the National Security Act of 1947, the Secretary of Defense shall consult with the Director before reprogramming funds available under the Joint Military Intelligence Program or the Tactical Intelligence and Related Activities Program.

(5) The Director may not delegate a responsibility or authority of the Director under this subsection.

(6) A reprogramming of funds or a transfer of funds or personnel may be made under this subsection only if—

(A) the funds or personnel are being reprogrammed or transferred, as the case may be, to an activity that is a higher priority intelligence activity;

(B) the need for funds or personnel for such activity is based on unforeseen requirements; and

(C) in the case of a reprogramming of funds, the reprogramming of funds does not involve a reprogramming of funds to the Reserve for Contingencies of the Central Intelligence Agency.

(7) Funds reprogrammed or transferred under this subsection shall remain available for the same period as the account or sub-account to which reprogrammed or transferred, as the case may be.

(8)(A) Any reprogramming of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees.

(B) Any proposed reprogramming of funds for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed reprogramming and how it satisfies the requirements of this subsection.

(C) The congressional intelligence committees shall be promptly notified of any reprogramming of funds under this subsection in any case in which the reprogramming of such funds would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(9)(A) The Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, a report on any transfer of personnel made pursuant to this subsection.

(B) The Director shall include in any report under subparagraph (A) an explanation of the nature of the transfer concerned and how it satisfies the requirements of this subsection.

(g) **DELEGATION OF CERTAIN ADMINISTRATIVE AUTHORITIES.**—(1) Notwithstanding any other provision of law, the Director may delegate to the head of any other element of the intelligence community any authority of the Director of the Central Intelligence Agency with respect to the Central Intelligence Agency under a provision of the Central Intelligence Agency Act of 1949 as follows:

(A) Section 3 (50 U.S.C. 403c), relating to procurement.

(B) Section 4 (50 U.S.C. 403e), relating to travel allowances and related expenses.

(C) Section 5 (50 U.S.C. 403f), relating to administration of funds.

(D) Section 6 (50 U.S.C. 403g), relating to exemptions from certain information disclosure requirements.

(E) Section 8 (50 U.S.C. 403j), relating to availability of appropriations.

(F) Section 11 (50 U.S.C. 403k), relating to payment of death gratuities.

(G) Section 12 (50 U.S.C. 403l), relating to acceptance of gifts, devises, and bequests.

(H) Section 21 (50 U.S.C. 403u), relating to operation of a central services program.

(2) Notwithstanding any other provision of law, the head of an element of the intelligence community delegated an authority under paragraph (1) with respect to such element may exercise such authority with respect to such element to the same extent that the Director of the Central Intelligence Agency may exercise such authority with respect to the Central Intelligence Agency.

(h) **TERMINATION OF EMPLOYEES OF DEPARTMENT.**—(1) Notwithstanding any other provision of law, the Director may, at the discretion of the Director, terminate the employment of any officer or employee of the Department whenever the Director considers the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

(2) Any such termination of employment shall not affect the right of the officer or employee terminated to seek or accept employment in any other department or agency of the United States Government if declared eligible for such employment by the Office of Personnel Management.

(i) **COORDINATION WITH FOREIGN GOVERNMENTS.**—Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

(j) **STANDARDS AND QUALIFICATIONS FOR PERFORMANCE OF INTELLIGENCE ACTIVITIES.**—The Director shall develop standards and qualifications for persons engaged in the performance of intelligence activities within the intelligence community.

(k) **PERSONAL SERVICES.**—The Director may—

(1) procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109 of title 5, United States Code; and

(2) whenever necessary due to a need related to intelligence functions of the Department, procure temporary (not to exceed 1 year) or intermittent personal services, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

TITLE II—ELEMENTS OF DEPARTMENT OF INTELLIGENCE

Subtitle A—Central Intelligence Agency

SEC. 201. CENTRAL INTELLIGENCE AGENCY.

(a) **ELEMENT OF DEPARTMENT OF INTELLIGENCE.**—The Central Intelligence Agency is an element of the Department.

(b) **HEAD OF AGENCY.**—The Director of the Central Intelligence Agency is the head of the Central Intelligence Agency as provided for in the National Security Act of 1947 (50 U.S.C. 401 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law.

(c) **SUPERVISION AND CONTROL.**—(1) The Central Intelligence Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the Central Intelligence Agency shall report directly to the Director of Intelligence.

SEC. 202. MISSION; POWER AND AUTHORITIES.

(a) **MISSION.**—The Central Intelligence Agency shall have the mission provided for the Agency under the National Security Act

of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) and as otherwise provided by law or directed by the President.

(b) **POWER AND AUTHORITIES.**—Except as otherwise provided by this Act, the Director of the Central Intelligence Agency shall have such powers and authorities as are provided the Director in the National Security Act of 1947 and Central Intelligence Agency Act of 1949 and as are otherwise provided by law or directed by the President or the Director.

Subtitle B—National Security Agency

SEC. 211. NATIONAL SECURITY AGENCY.

(a) **ELEMENT OF DEPARTMENT OF INTELLIGENCE.**—The National Security Agency is an element of the Department.

(b) **HEAD OF AGENCY.**—The Director of the National Security Agency is the head of the National Security Agency.

(c) **SUPERVISION AND CONTROL.**—(1) The National Security Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Security Agency shall report directly to the Director of Intelligence.

SEC. 212. MISSION; POWER AND AUTHORITIES.

(a) **MISSION.**—The National Security Agency shall have the mission provided for the Agency under the National Security Agency Act of 1959 (50 U.S.C. 402 note) or as otherwise provided by law or directed by the President.

(b) **POWER AND AUTHORITIES.**—The Director of the National Security Agency shall have such powers and authorities as are provided the Director in the National Security Act of 1959 or as are otherwise provided by law or directed by the President.

Subtitle C—National Geospatial-Intelligence Agency

SEC. 221. NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) **ELEMENT OF DEPARTMENT OF INTELLIGENCE.**—The National Geospatial-Intelligence Agency is an element of the Department.

(b) **HEAD OF AGENCY.**—(1) The Director of the National Geospatial-Intelligence Agency is the head of the National Geospatial-Intelligence Agency.

(2) If an officer of the Armed Forces on active duty is appointed to the position of Director of the National Geospatial-Intelligence Agency, the position shall be treated as having been designated by the President as a position of importance and responsibility for purposes of section 601 of title 10, United States Code, and shall carry the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

(c) **SUPERVISION AND CONTROL.**—(1) The National Geospatial-Intelligence Agency shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Geospatial-Intelligence Agency shall report directly to the Director of Intelligence.

SEC. 222. MISSION; POWER AND AUTHORITIES.

(a) **MISSION.**—The National Geospatial-Intelligence Agency shall have the mission provided for the Agency under subtitle B of title III or as otherwise provided by law or directed by the President.

(b) **POWER AND AUTHORITIES.**—The Director of the National Geospatial-Intelligence Agency shall have such powers and authorities as are provided the Agency under subtitle B of title III or as otherwise provided by law or directed by the President.

(c) **AVAILABILITY AND CONTINUED IMPROVEMENT OF IMAGERY INTELLIGENCE SUPPORT TO ALL-SOURCE ANALYSIS AND PRODUCTION FUNCTION.**—The Director of Intelligence shall take all necessary steps to ensure the

full availability and continued improvement of imagery intelligence support for all-source analysis and production.

Subtitle D—National Reconnaissance Office

SEC. 231. NATIONAL RECONNAISSANCE OFFICE.

(a) **ELEMENT OF DEPARTMENT OF INTELLIGENCE.**—The National Reconnaissance Office is an element of the Department.

(b) **HEAD OF OFFICE.**—The Director of the National Reconnaissance Office is the head of the National Reconnaissance Office.

(c) **SUPERVISION AND CONTROL.**—(1) The National Reconnaissance Office shall be under the supervision, direction, and control of the Director of Intelligence.

(2) The Director of the National Reconnaissance Office shall report directly to the Director of Intelligence.

SEC. 232. MISSION; POWER AND AUTHORITIES.

(a) **MISSION.**—The National Reconnaissance Office shall have the mission provided by law or as directed by the President.

(b) **POWER AND AUTHORITIES.**—The National Reconnaissance Office shall have such powers and authorities as are provided by law or as directed by the President.

Subtitle E—Other Offices

SEC. 241. INTELLIGENCE, COUNTERTERRORISM, AND COUNTERINTELLIGENCE OFFICES.

(a) **ELEMENTS OF DEPARTMENT OF INTELLIGENCE.**—Each element of the Federal Bureau of Investigation specified in subsection (b) shall, after the date of the enactment of this Act, be an element of the Department.

(b) **SPECIFIED ELEMENTS.**—The elements of the Federal Bureau of Investigation specified in this subsection are as follows:

(1) The Office of Intelligence.

(2) The Counterterrorism Division personnel under the National Foreign Intelligence Program.

(3) The Counterintelligence Division personnel under the National Foreign Intelligence Program.

(c) **SUPERVISION AND CONTROL.**—(1) Each element of the Department under subsection (a) shall be under the supervision, direction, and control of the Director of Intelligence.

(2)(A) Each element of the Department under subsection (a) shall remain at all times subject to applicable guidelines on investigations of the Attorney General and the Department of Justice in effect as of September 1, 2004, and any successor guidelines to such guidelines, particularly the provisions of such guidelines relating to investigations within the United States and investigations of United States persons.

(B) A copy of any guidelines covered by subparagraph (A) shall be made available to congressional intelligence committees and the public before their implementation or utilization by the elements of the Department under subsection (a). In making guidelines available to the public under this subparagraph, the Director of Intelligence may redact any portions of such guidelines that are classified for reasons of national security.

(3) The Attorney General shall review, and approve prior to execution, the tasking of, or requests for, domestic collection against United States persons, collection against United States persons, domestic intelligence operations, and assignment of operational responsibilities by the Administrator of the National Counterterrorism Center.

(d) **MISSION.**—Each element of the Department under subsection (a) shall have the mission provided for such element by law or as directed by the President.

(e) **POWER AND AUTHORITIES.**—Each element of the Department under subsection (a) shall have such powers and authorities as are provided such element by law or as directed by the President.

(f) **SUPPORT.**—(1) The Director of the Federal Bureau of Investigation shall, in coordination with the Director of Intelligence, ensure that each element of the Department under subsection (a) is provided all administrative resources necessary to perform its intelligence and intelligence-related functions.

(2) The Attorney General shall ensure through the Director of Intelligence that the domestic intelligence operations of the elements of the Department under subsection (a), and any intelligence operations of such elements directed against United States persons, comply with the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States applicable to such operations.

SEC. 242. OFFICE OF CIVIL LIBERTIES AND PRIVACY.

(a) **OFFICE OF CIVIL LIBERTIES AND PRIVACY.**—There is within the Department an Office of Civil Liberties and Privacy.

(b) **HEAD OF OFFICE.**—The Assistant Director of Intelligence for Civil Liberties and Privacy is the head of the Office of Civil Liberties and Privacy.

(c) **SUPERVISION.**—The Assistant Director of Intelligence for Civil Liberties and Privacy shall report directly to the Director.

(d) **DUTIES RELATING TO CIVIL LIBERTIES.**—The Assistant Director of Intelligence for Civil Liberties and Privacy shall, with respect to matters of the Department relating to civil liberties—

(1) assist the Director in ensuring that the protection of civil rights and civil liberties is appropriately incorporated in the policies and procedures developed for and implemented by the Department;

(2) oversee compliance by the Department with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil rights and civil liberties;

(3) review, investigate, and assess complaints and other information indicating possible abuses of civil rights or civil liberties in the administration of the programs and operations of the Department unless, in the determination of the Inspector General of the Department of Intelligence, the review, investigation, or assessment of a particular complaint or information can better be conducted by the Inspector General;

(4) issue guidance on civil liberties concerns with, or civil liberties objections to, any policy or practice of the Department; and

(5) perform such other duties as may be prescribed by the Director or specified by law.

(e) **DUTIES RELATING TO PRIVACY.**—The Assistant Director of Intelligence for Civil Liberties and Privacy shall, with respect to matters of the Department relating to privacy—

(1) assure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

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

(3) conduct a privacy impact assessment of proposed rules of the Department or that of the Department on the privacy of personal information, including the type of personal information collected and the number of people affected; and

(4) conduct privacy impact assessments when appropriate or as required by law.

TITLE III—OTHER INTELLIGENCE MATTERS

Subtitle A—Modifications and Improvements of Intelligence Authorities

SEC. 301. SENSE OF CONGRESS ON AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should, for each fiscal year after fiscal year 2005, make available to the public the information described in subsection (b) unless the President certifies that public disclosure of such information would cause damage to the national security of the United States.

(b) COVERED INFORMATION.—The information described in this subsection is as follows:

(1) The aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government.

SEC. 302. COORDINATION BETWEEN DIRECTOR OF INTELLIGENCE AND SECRETARY OF DEFENSE IN PERFORMANCE OF SPECIFIC FUNCTIONS PERTAINING TO NATIONAL FOREIGN INTELLIGENCE PROGRAM.

Section 105(b) of the National Security Act of 1947 (50 U.S.C. 403-5(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Consistent with sections 103 and 104, the Secretary of Defense shall” and inserting “Consistent with sections 132 and 133 of the Intelligence Reform Act of 2004, the Secretary of Defense shall, in coordination with the Director of Intelligence”; and

(2) in paragraph (2)(D), by striking “notwithstanding any other provision of law.”.

SEC. 303. ROLE OF DIRECTOR OF INTELLIGENCE IN CERTAIN RECOMMENDATIONS TO THE PRESIDENT ON APPOINTMENTS TO INTELLIGENCE COMMUNITY.

The text of section 106 of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

“(a) RECOMMENDATIONS OF DIRECTOR OF INTELLIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of Intelligence shall recommend to the President an individual for appointment to the position.

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

“(A) The Deputy Director of Intelligence.

“(B) The Director of the Central Intelligence Agency.

“(C) The Director of the National Security Agency.

“(D) The Director of the National Geospatial-Intelligence Agency.

“(E) The Director of the National Reconnaissance Office.

“(F) The Administrator of the National Counterterrorism Center.

“(b) CONCURRENCE OF DIRECTOR OF INTELLIGENCE IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of Intelligence before recommending to the President an individual for appointment to the position. If the Director does not concur in the recommendation, the head of the department or agency having jurisdiction over the position may make the recommendation to the President without the Director’s concurrence, but shall include in the recommendation a statement that the

Director does not concur in the recommendation.

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

“(A) The Under Secretary for Information Analysis and Infrastructure Protection of the Department of Homeland Security.

“(B) The Assistant Secretary of State for Intelligence and Research.

“(C) The Director of the Defense Intelligence Agency.

“(D) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

“(E) The Assistant Secretary for Terrorist Financing of the Department of the Treasury.

“(F) The Director of the Office of Intelligence of the Department of Energy.

“(G) The Director of the Office of Counterintelligence of the Department of Energy.”.

SEC. 304. COLLECTION TASKING AUTHORITY.

Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is amended by striking “(except as otherwise agreed by the Director and the Secretary of Defense)”.

SEC. 305. OVERSIGHT OF COMBAT SUPPORT AGENCIES OF THE INTELLIGENCE COMMUNITY.

(a) OVERSIGHT.—(1) Chapter 8 of title 10, United States Code, is amended by inserting after section 193 the following new section:

“§ 193a. Combat support agencies of the intelligence community: oversight

“(a) COMBAT READINESS.—(1) Every two years (or sooner, if approved by the Director of Intelligence), the Chairman of the Joint Chiefs of Staff shall, in consultation with the Secretary of Defense, submit to the Director of Intelligence a report on the combat support agencies of the intelligence community. Each report shall include—

“(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

“(B) any recommendations that the Chairman considers appropriate.

“(2) In preparing each report, the Chairman shall review the plans of each combat support agency of the intelligence community with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, provide the Director of Intelligence any recommendations for modifications of such plans that the Chairman considers appropriate.

“(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall, with the cooperation of the Director of Intelligence—

“(1) provide for the participation of the combat support agencies of the intelligence community in joint training exercises to the extent necessary to ensure that such agencies are capable of performing their support missions with respect to a war or threat to national security; and

“(2) assess the performance in joint training exercises of each combat support agency of the intelligence community and, in accordance with guidelines established by the Secretary of Defense, take steps to provide the Director of Intelligence recommendations for any change that the Chairman considers appropriate to improve that performance.

“(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency of the intelligence community, a uniform system for reporting to the Secretary of De-

fense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each combat support agency of the intelligence community to perform with respect to a war or threat to national security.

“(d) REVIEW OF NSA, NGA, AND NRO.—(1) Subsections (a), (b), and (c) shall apply to the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office, but only with respect to combat support functions that such agencies perform for the Department of Defense.

“(2) The Secretary of Defense shall, in coordination with the Director of Intelligence, establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office.

“(e) COMBAT SUPPORT CAPABILITIES OF DIA, NSA, NGA, AND NRO.—The Director of Intelligence shall develop and implement such policies and programs as the Director determines necessary to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office to accomplish assigned missions in support of military combat operations.

“(f) COMBAT SUPPORT AGENCY OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ‘combat support agency of the intelligence community’ means any of the following agencies:

“(1) The National Security Agency.

“(2) The Defense Intelligence Agency.

“(3) The National Geospatial-Intelligence Agency.

“(4) The National Reconnaissance Office.”.

(2) The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by inserting after the item relating to section 193 the following new item:

“193a. Combat support agencies of the intelligence community: oversight.”.

(b) CONFORMING AMENDMENT.—Section 193(f) of such title is amended—

(1) by striking paragraphs (2) and (4); and

(2) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively.

SEC. 306. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States in its final report stated that the Federal Bureau of Investigation, under the current Director of the Federal Bureau of Investigation, has made significant progress in improving its intelligence capabilities.

(2) In the report, the members of the Commission also urged that the Federal Bureau of Investigation fully institutionalize the shift of the Bureau to a preventive counterterrorism posture.

(b) NATIONAL SECURITY WORKFORCE.—(1) The Director of the Federal Bureau of Investigation shall continue efforts to develop and maintain within the Federal Bureau of Investigation a national security workforce.

(2) In a developing and maintaining a national security workforce under paragraph (1), the Director of the Federal Bureau of Investigation shall, subject to the direction and control of the President, develop and maintain a specialized and integrated national security workforce who are recruited,

trained, rewarded in a manner which ensures the existence within the Bureau of an institutional culture with substantial expertise in, and commitment to, the intelligence and national security missions of the Bureau.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national security matters.

(4) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service with the Bureau, meaningful assignments in criminal justice matters and in national security matters.

(5) The Director of the Federal Bureau of Investigation shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence and national security missions of the Bureau.

(6) Commencing as soon as practicable after the date of the enactment of this Act, each senior manager of the Bureau shall be a certified intelligence officer.

(7) It is the sense of Congress that the successful discharge of advanced training courses, and of one or more assignments to another element of the intelligence community, should be a precondition to advancement to higher level national security assignments within the Bureau.

(c) **FIELD OFFICE MATTERS.**—(1) The Director of the Federal Bureau of Investigation shall ensure that each field office of the Federal Bureau of Investigation has an official at the deputy level or higher with responsibility for national security matters.

(2) The Director of the Federal Bureau of Investigation shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence and national security missions of the Bureau.

(d) **REPORTS.**—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(2) The Director of the Federal Bureau of Investigation shall include in each semi-annual program review of the Bureau that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

(3) Not later than 180 days after the date of the enactment of this Act and every six months thereafter, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

Subtitle B—Restatement of Authorities on National Geospatial-Intelligence Agency PART I—MISSIONS

SEC. 311. MISSIONS.

(a) **NATIONAL SECURITY MISSIONS.**—(1) The National Geospatial-Intelligence Agency shall, in support of the national security objectives of the United States, provide geospatial intelligence consisting of the following:

- (A) Imagery.
- (B) Imagery intelligence.
- (C) Geospatial information.

(2) Geospatial intelligence provided in carrying out paragraph (1) shall be timely, relevant, and accurate.

(b) **NAVIGATION INFORMATION.**—The National Geospatial-Intelligence Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Director of Intelligence, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally.

(c) **MAPS, CHARTS, ETC.**—The National Geospatial-Intelligence Agency shall prepare and distribute maps, charts, books, and geodetic products as authorized under part II of this subtitle.

(d) **NATIONAL MISSIONS.**—The National Geospatial-Intelligence Agency also has national missions as specified in section 110(a) of the National Security Act of 1947 (50 U.S.C. 404e(a)).

(e) **SYSTEMS.**—The National Geospatial-Intelligence Agency may, in furtherance of a mission of the Agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

(1) the Armed Forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or

(2) any other department or agency of the United States.

SEC. 312. SUPPORT FOR FOREIGN COUNTRIES ON IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION.

(a) **USE OF APPROPRIATED FUNDS.**—The Director of the National Geospatial-Intelligence Agency may use appropriated funds available to the National Geospatial-Intelligence Agency to provide foreign countries with imagery intelligence and geospatial information support.

(b) **USE OF FUNDS OTHER THAN APPROPRIATED FUNDS.**—The Director of the National Geospatial-Intelligence Agency may use funds other than appropriated funds to provide foreign countries with imagery intelligence and geospatial information support, notwithstanding provisions of law relating to the expenditure of funds of the United States, except that—

(1) no such funds may be expended, in whole or in part, by or for the benefit of the National Geospatial-Intelligence Agency for a purpose for which Congress had previously denied funds;

(2) proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold; and

(3) the authority provided by this subsection may not be used to acquire items or services for the principal benefit of the United States.

(c) **ACCOMMODATION PROCUREMENTS.**—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

PART II—MAPS, CHARTS, AND GEODETIC PRODUCTS

SEC. 321. MAPS, CHARTS, AND BOOKS.

The Director of Intelligence may—

(1) have the National Geospatial-Intelligence Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

SEC. 322. PILOT CHARTS.

(a) **NOTICE ON PREPARATION BY AGENCY.**—There shall be conspicuously printed on pilot charts prepared in the National Geospatial-Intelligence Agency the following: "Prepared

from data furnished by the National Geospatial-Intelligence Agency of the Department of Intelligence and by the Department of Commerce, and published at the National Geospatial-Intelligence Agency under the authority of the Director of Intelligence".

(b) **INFORMATION FROM DEPARTMENT OF COMMERCE.**—The Secretary of Commerce shall furnish to the National Geospatial-Intelligence Agency, as quickly as possible, all meteorological information received by the Secretary of Commerce that is necessary for, and of the character used in, preparing pilot charts.

SEC. 323. SALE OF MAPS, CHARTS, AND NAVIGATIONAL PUBLICATIONS.

(a) **PRICES.**—All maps, charts, and other publications offered for sale by the National Geospatial-Intelligence Agency shall be sold at prices and under regulations that may be prescribed by the Director of Intelligence.

(b) **USE OF PROCEEDS TO PAY FOREIGN LICENSING FEES.**—(1) The Director of Intelligence may pay any NGA foreign data acquisition fee out of the proceeds of the sale of maps, charts, and other publications of the Agency, and those proceeds are hereby made available for that purpose.

(2) In this subsection, the term "NGA foreign data acquisition fee" means any licensing or other fee imposed by a foreign country or international organization for the acquisition or use of data or products by the National Geospatial-Intelligence Agency.

SEC. 324. EXCHANGE OF MAPPING, CHARTING, AND GEODETIC DATA WITH FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

The Director of Intelligence may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

SEC. 325. PUBLIC AVAILABILITY OF MAPS, CHARTS, AND GEODETIC DATA.

(a) **SALE OF MAPS AND CHARTS.**—The National Geospatial-Intelligence Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

(b) **EXCEPTION.**—(1) Notwithstanding any other provision of law, the Director of Intelligence may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Intelligence—

(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to Government purposes only;

(B) that contains information that the Director of Intelligence has determined in writing would, if disclosed, reveal sources and methods, or capabilities, used to obtain source material for production of the geodetic product; or

(C) that contains information that the Director of the National Geospatial-Intelligence Agency has determined in writing would, if disclosed, jeopardize or interfere with ongoing military or intelligence operations, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities.

(2) In this subsection, the term "geodetic product" means imagery, imagery intelligence, or geospatial information.

(c) REGULATIONS.—(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

(A) in the case of allies of the United States; and

(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.

SEC. 326. CIVIL ACTIONS BARRED.

(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the National Geospatial-Intelligence Agency.

(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the National Geospatial-Intelligence Agency prepares or disseminates navigational aids.

SEC. 327. TREATMENT OF CERTAIN OPERATIONAL FILES.

(a) AUTHORITY.—The Director of Intelligence may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

(b) COVERED OPERATIONAL FILES.—The authority under subsection (a) applies to operational files in the possession of the National Geospatial-Intelligence Agency that—

(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

(c) OPERATIONAL FILES DEFINED.—In this section, the term “operational files” has the meaning given that term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).

PART III—PERSONNEL MANAGEMENT

SEC. 331. MANAGEMENT RIGHTS.

(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5, United States Code, for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Geospatial-Intelligence Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Geospatial-Intelligence Agency.

(b) BARGAINING UNITS.—The Director of the National Geospatial-Intelligence Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5, United States Code, only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on September 30, 1996.

(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Geospatial-Intelligence Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to

that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

(2) A determination described in paragraph (1) that is made by the Director of the National Geospatial-Intelligence Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

SEC. 332. FINANCIAL ASSISTANCE TO CERTAIN EMPLOYEES IN ACQUISITION OF CRITICAL SKILLS.

The Director of Intelligence may establish an undergraduate training program with respect to civilian employees of the National Geospatial-Intelligence Agency that is similar in purpose, conditions, content, and administration to the program established by the Secretary of Defense under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

PART IV—DEFINITIONS

SEC. 341. DEFINITIONS.

In this subtitle:

(1) IMAGERY.—(A) The term “imagery” means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

(i) products produced by space-based national intelligence reconnaissance systems; and

(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

(B) Such term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

(2) IMAGERY INTELLIGENCE.—The term “imagery intelligence” means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

(3) GEOSPATIAL INFORMATION.—The term “geospatial information” means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies; and

(B) mapping, charting, geodetic data, and related products.

(4) GEOSPATIAL INTELLIGENCE.—The term “geospatial intelligence” means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.

TITLE IV—TRANSITION MATTERS

Subtitle A—Modification of Authorities on Elements of Intelligence Community

SEC. 401. CONFORMING MODIFICATION OF AUTHORITIES ON CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

“CENTRAL INTELLIGENCE AGENCY

“SEC. 102. (a) IN GENERAL.—There is a Central Intelligence Agency.

“(b) FUNCTION.—The function of the Agency shall be to assist the Director of the Central Intelligence Agency in carrying out the responsibilities of the Director under section 103.

“DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 103. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) HEAD OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall be the head of the Central Intelligence Agency.

“(c) PROHIBITION ON SIMULTANEOUS SERVICE AS DIRECTOR OF INTELLIGENCE.—The individual serving in the position of Director of the Central Intelligence Agency shall not, while so serving, also serve as the Director of Intelligence.

“(d) GENERAL RESPONSIBILITIES.—As head of the Central Intelligence Agency, the Director of the Central Intelligence Agency shall—

“(1) provide capabilities for the collection of intelligence through human sources and by other appropriate means and provide for the analysis of such intelligence, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

“(2) correlate, evaluate, and analyze intelligence related to the national security and provide appropriate dissemination of such intelligence;

“(3) perform such additional services as are of common concern to the elements of the intelligence community, which services the Director of Intelligence determines can be more efficiently accomplished by the Agency;

“(4) notwithstanding any other provision of law, report directly to the Director of Intelligence concerning all functions and duties of the Agency; and

“(5) perform such other functions and duties concerning intelligence related to the national security as the Director of Intelligence shall prescribe.”

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the items relating to sections 102 through 104 and inserting the following new items:

“Sec. 102. Central Intelligence Agency.

“Sec. 103. Director of the Central Intelligence Agency.”

SEC. 402. OTHER CONFORMING MODIFICATIONS OF LAW RELATING TO MISSIONS, RESPONSIBILITIES, AND AUTHORITIES OF DIRECTOR OF INTELLIGENCE AND DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking “Director of Central Intelligence” and inserting “Director of Intelligence” each place it appears in the following provisions:

(A) Section 3(4)(J) (50 U.S.C. 401a(4)(J)).

(B) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

(C) Section 3(6) (50 U.S.C. 401a(6)).

(D) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(E) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(F) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).

(G) Section 101(j) (50 U.S.C. 402(j)), both places it appears.

(H) Section 105(a) (50 U.S.C. 403-5(a)).

(I) Section 105(a)(2) (50 U.S.C. 403-5(a)(2)).

(J) Section 105(b)(6)(A) (50 U.S.C. 403-5(b)(6)(A)).

(K) Section 105(d) (50 U.S.C. 403-5(d)).
 (L) Section 105B(a)(1) (50 U.S.C. 403-5b(a)(1)).
 (M) Section 105B(a)(2) (50 U.S.C. 403-5b(a)(2)).
 (N) Section 105B(b) (50 U.S.C. 403-5b(b)), both places it appears.
 (O) Section 110(b) (50 U.S.C. 404e(b)).
 (P) Section 110(c) (50 U.S.C. 404e(c)).
 (Q) Section 111 (50 U.S.C. 404f).
 (R) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).
 (S) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).
 (T) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).
 (U) Section 113(c) (50 U.S.C. 404h(c)).
 (V) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).
 (W) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).
 (X) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).
 (Y) Section 115(b) (50 U.S.C. 404j(b)).
 (Z) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).
 (AA) Section 116(a) (50 U.S.C. 404k(a)).
 (BB) Section 116(b) (50 U.S.C. 404k(b)).
 (CC) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).
 (DD) Section 303(a) (50 U.S.C. 405(a)), both places it appears.
 (EE) Section 501(d) (50 U.S.C. 413(d)).
 (FF) Section 502(a) (50 U.S.C. 413a(a)).
 (GG) Section 502(c) (50 U.S.C. 413a(c)).
 (HH) Section 503(b) (50 U.S.C. 413b(b)).
 (II) Section 504(d)(2) (50 U.S.C. 414(d)(2)).
 (JJ) Section 603(a) (50 U.S.C. 423(a)).
 (KK) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).
 (LL) Section 702(b) (50 U.S.C. 432(b)), both places it appears.
 (2) That Act is amended further amended by striking "Director of Central Intelligence" and inserting "Director of the Central Intelligence Agency" each place it appears in the following provisions:
 (A) Section 504(a)(2) (50 U.S.C. 414(a)(2)).
 (B) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).
 (C) Section 701(a) (50 U.S.C. 431(a)).
 (D) Section 702(a) (50 U.S.C. 432(a)).
 (3) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking "or the Office of the Director of Central Intelligence" and inserting "the Office of the Director of Intelligence, or the Office of the Director of the Central Intelligence Agency".
 (4)(A) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:
 "ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF INTELLIGENCE".
 (B) The table of contents for that Act is further amended by striking the item relating to section 114 and inserting the following new item:
 "Sec. 114. Additional annual reports from the Director of Intelligence."
 (b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—
 (A) by redesignating paragraphs (a) and (c) as paragraphs (1) and (3), respectively; and
 (B) by striking paragraph (b) and inserting the following new paragraph (2):
 "(2) 'Director' means the Director of the Central Intelligence Agency; and".
 (2) Section 6 of that Act (50 U.S.C. 403g) is amended—
 (A) by striking "Director of Central Intelligence" and inserting "Director of Intelligence"; and
 (B) by striking "section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))" and inserting "section 103(b)(7) of the National Security Act of 1947".
 (3) Section 17(f) of that Act (50 U.S.C. 403q(f)) is amended—
 (A) by striking "Director of Central Intelligence" the first place it appears and inserting "Director of Intelligence"; and
 (B) by striking "Director of Central Intelligence" the second place it appears and inserting "Director of Intelligence".

(4) That Act is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":
 (A) Section 14(b) (50 U.S.C. 403n(b)).
 (B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).
 (C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.
 (D) Section 21(h)(1) (50 U.S.C. 403u(h)(1)).
 (E) Section 21(h)(2) (50 U.S.C. 403u(h)(2)).
 (5) That Act is further amended by striking "of Central Intelligence" in each of the following provisions:
 (A) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).
 (B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).
 (C) Section 20(c) (50 U.S.C. 403t(c)).
 (c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—(1) Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):
 "(2) DIRECTOR.—The term 'Director' means the Director of the Central Intelligence Agency."
 (2) Section 201(c) of that Act (50 U.S.C. 2011) is amended by striking "paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c))" that the Director of Central Intelligence" and inserting "section 103(b)(7) of the National Security Act of 1947 that the Director of Intelligence".
 (d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:
 "(1) the term 'Director' means the Director of the Central Intelligence Agency";.
 (e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of Intelligence".
 (f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking "Director of Central Intelligence" and inserting "Director of Intelligence".
SEC. 403. CONFORMING MODIFICATION OF AUTHORITIES ON CERTAIN CENTRAL INTELLIGENCE AGENCY OFFICERS.
 (a) INSPECTOR GENERAL ACT OF 1978.—Section 8H(a)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App. 8H(a)(1)(C)) is amended by inserting before the period at the end the following: "or to the Inspector General of the Department of Intelligence".
 (b) OTHER OFFICERS.—(1) Section 528 of title 10, United States Code, is amended—
 (A) in subsection (a), by striking "Associate Director of Central Intelligence for Military Support" and inserting "Assistant Deputy Administrator of the National Counterterrorism Center for Operations"; and
 (B) in the heading, by striking "ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT" and inserting "ASSISTANT DEPUTY ADMINISTRATOR OF THE NATIONAL COUNTERTERRORISM CENTER FOR OPERATIONS".
 (2) The item relating to section 528 in the table of sections at the beginning of chapter 32 of such title is amended by striking "Associate Director of Central Intelligence for Military Support" and inserting "Assistant Deputy Administrator of the National Counterterrorism Center for Operations".
SEC. 404. CONFORMING MODIFICATION OF AUTHORITIES ON NATIONAL SECURITY AGENCY.
 The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—
 (1) by inserting before section 5 the following new sections:

"SEC. 2. (a) The National Security Agency is an element of the Department of Intelligence.
 "(b) The National Security Agency is an element of the intelligence community under the National Security Act of 1947 (50 U.S.C. 401 et seq.).
 "SEC. 3. (a) The Director of the National Security Agency is the head of the National Security Agency.
 "(b) The Director of the National Security Agency is subject to the direction and control of the Director of Intelligence.
 "(c) The Director of the National Security Agency shall report directly to the Director of Intelligence on matters relating to the National Security Agency."
 (2) by striking "Secretary of Defense" each place it appears (other than the second place it appears in section 9(b), section 9(d), and section 10(c)(1)) and inserting "Director of Intelligence"; and
 (3) in section 9(d), by striking "Secretary of Defense shall" and inserting "Director of Intelligence and the Secretary of Defense shall jointly".
SEC. 405. INCLUSION OF DEPARTMENT OF INTELLIGENCE IN INTELLIGENCE COMMUNITY.
 Subparagraph (A) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended to read as follows:
 "(A) the Department of Intelligence, which shall include the Office of the Director of Intelligence, the National Intelligence Council, and such other offices as the Director of Intelligence may designate";.
SEC. 406. REPEAL OF SUPERSEDED AUTHORITIES ON NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.
 (a) REPEAL.—Chapter 22 of title 10, United States Code, is repealed.
 (b) CONFORMING AMENDMENTS.—The table of chapters at the beginning of subtitle A, and part I of subtitle A, of such title are each amended by striking the item relating to chapter 22.
SEC. 407. OTHER CONFORMING AMENDMENT.
 Section 110(a) of the National Security Act of 1947 is amended by striking "section 442 of title 10, United States Code," and inserting "section 232 of the Intelligence Reform and Act of 2004".
Subtitle B—Other Transition Matters Relating to Intelligence
SEC. 411. PRESERVATION OF INTELLIGENCE CAPABILITIES.
 The Director of Intelligence, the Director of the Central Intelligence Agency, the Attorney General, the Secretary of Defense, and the heads of other appropriate departments and agencies of the United States Government shall jointly take such actions as are appropriate to preserve the intelligence capabilities of the United States during the transfer of agencies, offices, and functions to the Department under this Act.
SEC. 412. GENERAL REFERENCES TO INTELLIGENCE OFFICIALS.
 (a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Director of Central Intelligence in the Director's capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of Intelligence.
 (b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CENTRAL INTELLIGENCE AGENCY.—Any reference to the Director of Central Intelligence in the Director's capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AS DEPUTY TO HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Deputy Director of Central Intelligence in the Deputy Director's capacity as deputy to the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Deputy Director of Intelligence.

Subtitle C—Transfer of Elements

SEC. 421. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—The Director of the Central Intelligence Agency shall transfer to the Director of Intelligence administrative jurisdiction and control of the Terrorist Threat Integration Center (TTIC).

(b) ADMINISTRATION.—The Director of Intelligence shall administer the Terrorist Threat Integration Center as a component of the National Counterterrorism Center under section 113.

SEC. 422. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—The Director of the Central Intelligence Agency shall transfer to the Director of Intelligence administrative jurisdiction and control of the Community Management Staff.

(b) ADMINISTRATION.—The Director of Intelligence shall administer the Community Management Staff as a component of the Office of the Director of Intelligence under section 111.

SEC. 423. TRANSFER OF CERTAIN ELEMENTS OF FEDERAL BUREAU OF INVESTIGATION.

(a) TRANSFER.—The Director of the Federal Bureau of Investigation shall transfer to the Director Intelligence administrative jurisdiction and control of the elements of the Federal Bureau of Investigation as follows:

- (1) The Office of Intelligence.
- (2) The Counterterrorism Division personnel under the National Foreign Intelligence Program.
- (3) The Counterintelligence Division personnel under the National Foreign Intelligence Program.

(b) ADMINISTRATION.—The Director of Intelligence shall administer each element transferred to the Director under subsection (a) as an element of the Department under subtitle E of title II.

Subtitle D—Transfer of Functions

SEC. 431. TRANSFER OF FUNCTIONS.

In accordance with the provisions of this subtitle, there shall be transferred to the Director of Intelligence the functions, personnel, assets, and liabilities of each of the following:

- (1) The Central Intelligence Agency.
- (2) The National Security Agency.
- (3) The National Geospatial-Intelligence Agency.
- (4) The National Reconnaissance Office.
- (5) The Office of Intelligence.
- (6) The elements of the Counterterrorism Division of the Federal Bureau of Investigation specified in section 241(b).
- (7) The elements of the Counterintelligence Division of the Federal Bureau of Investigation specified in section 241(b).
- (8) The Terrorist Threat Integration Center.
- (9) The Community Management Staff.

SEC. 432. TRANSITIONAL AUTHORITIES.

(a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until the transfer of an agency or office to the Department under this Act, any official having authority over or functions relating to the agency or office immediately before the date of the enactment of this Act shall provide to the Director such assistance, including the use of personnel and assets, as

the Director may request in preparing for the transfer and integration of the agency or office into the Department.

(b) SERVICES AND PERSONNEL.—Upon the request of the Director, the head of any department or agency of the United States may, on a reimbursable basis, provide services or detail personnel to assist with the transition of an agency or office to the Department under this Act.

(c) TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS, AND FUNCTIONS.—Upon the transfer of an agency or office to the Department under this Act—

(1) the personnel, assets, and obligations held by or available in connection with the agency or office shall be transferred to the Director of Intelligence for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and in accordance with the provisions of section 1531(a)(2) of title 31, United States Code; and

(2) the Director of Intelligence shall have all functions relating to the agency or office that any other official could by law exercise in relation to the agency immediately before such transfer, and shall have in addition all functions vested in the Director by this Act or other law.

SEC. 433. SAVINGS PROVISIONS.

(a) COMPLETED ADMINISTRATIVE ACTIONS.—(1) Completed administrative actions of an agency or office shall not be affected by the enactment of this Act or the transfer of such agency or office to the Department, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) For purposes of paragraph (1), the term "completed administrative action" includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(b) PENDING PROCEEDINGS.—Subject to the authority of the Director—

(1) pending proceedings in an agency or office, including notices of proposed rule-making, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency or office to the Department, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted or the agency or office had not been transferred, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) PENDING CIVIL ACTIONS.—Subject to the authority of the Director, pending civil actions shall continue notwithstanding the enactment of this Act or the transfer of an agency or office to the Department, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment or transfer had not occurred.

(d) REFERENCES.—References relating to an agency or office that is transferred to the Department in statutes, Executive orders, rules, regulations, directives, or delegations

of authority that precede such transfer or the date of the enactment of this Act shall be deemed to refer, as appropriate, to the Department, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to such an agency or office immediately before the date of the enactment of this Act shall continue to apply following such transfer if they refer to the agency or office by name.

(e) EMPLOYMENT PROVISIONS.—(1) Notwithstanding the generality of the foregoing (including subsections (a) and (d)), in and for the Department the Director of Intelligence may, in regulations prescribed jointly with the Director of the Office of Personnel Management, adopt the rules, procedures, terms, and conditions, established by statute, rule, or regulation before the date of the enactment of this Act, relating to employment in any agency or office transferred to the Department pursuant to this Act; and

(2) except as otherwise provided in this Act, or under authority granted by this Act, the transfer pursuant to this Act of personnel shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(f) STATUTORY REPORTING REQUIREMENTS.—Any statutory reporting requirement that applied to an agency or office transferred to the Department under this Act, immediately before the date of the enactment of this Act shall continue to apply following that transfer if the statutory requirement refers to the agency or office by name.

Subtitle E—Other Matters

SEC. 441. TREATMENT OF DEPARTMENT OF INTELLIGENCE AS EXECUTIVE DEPARTMENT.

Section 101 of title 5, United States Code, is amended by adding at the end the following:

"The Department of Intelligence."

SEC. 442. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

"Director of Intelligence."

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new items:

"Director of Central Intelligence Agency.

"Administrator of the National Counterterrorism Center."

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

"Deputy Director of Intelligence."

(d) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Directors of Central Intelligence;

(2) by striking the item relating to the Inspector General of the Central Intelligence Agency and inserting the following new items:

"Inspector General, Central Intelligence Agency.

"Inspector General, Department of Intelligence."

(3) by inserting after the item relating to the General Counsel of the Central Intelligence Agency the following new item:

"General Counsel of the Department of Intelligence."; and

(4) by adding at the end the following new items:

"Assistant Directors of Intelligence (2).

"Deputy Administrators of the National Counterterrorism Center (2)."

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, it is a privilege for me to join my esteemed colleague Senator SPECTER from Pennsylvania and Senators LIEBERMAN and MCCAIN in this effort to implement the 9/11 Commission recommendations to defend our country.

This is a bipartisan undertaking. We have proven we can rise above partisan politics. It remains to be seen whether we can rise above the bureaucratic inertia, gridlock, and turf jealousy that all too often afflict the Federal Government. I believe we must and I believe we can, if we are to uphold the weighty responsibility placed on us by our fellow American citizens.

The most important thing we can bring to this task is a sense of urgency. What began as a wake-up call on September 11 may not be answered following this November 2, unless we maintain the momentum generated by the recommendations of the 9/11 Commission. All too often the country's attention, this body's attention, can be diverted into other arenas, keeping us from taking a difficult but necessary action that sustained focus and attention can achieve.

So I am very insistent that we regain the momentum, bring a sense of urgency and purpose to this calling, because it is what will be necessary to break down some of the barriers that too often in the past have kept us from doing what we now know to be important in terms of defending this country.

Our proposal is the most comprehensive one before the Congress. It addresses not only identifying and cracking down on terrorists who would threaten to do harm to the American people; it is also the only proposal that deals with the causes—the environment that gives rise to those violent individuals in the first place. We have to do both. If there is one thing I am absolutely certain of, it is no matter what resources, focus, and new structure we bring to the challenge of defending our country, we will not be able to identify and bring to justice every individual who wishes us harm. We have to prevent them from being created in the first place. We need to do both. That is what this calls for.

We emphasize accountability and this is vitally important. If you look at the failings that occurred before 9/11, and at some of the weaknesses exposed by the search for weapons of mass destruction in Iraq, you can see there were some significant problems with our intelligence system. Yet, as far as I know, no individual has been admonished, no individual has been demoted, no individual has been fired. George Tenet fell on his sword and took responsibility. But as far as I know, that is as far as it goes.

Is this the best we can do in terms of having a structure that assigns missions and holds people accountable for successfully fulfilling them? I don't be-

lieve it is. This proposal we have placed before this Congress insists upon clearly delineated lines of authority, holds people clearly accountable for carrying out tasks, with consequences that will be easier to impose if people do not do the job we have a right to expect of them. If I were the President asking who was responsible or in charge or accountable for this, you would have a half dozen different individuals. But the only individual you can look at and say this person is in charge of a national security apparatus in this country is the President himself.

Well, that is not good enough because with all the President has to be responsible for, he needs to have someone subordinate to him, who is clearly identifiable, to bring coherence and accountability to the national security apparatus. That is what our proposal would put into place.

Finally, let me say two things. We need to increase the amount of information available to our country in order to provide for our defense. No matter what structure we provide, no matter how comprehensive or how much we emphasize accountability, we simply need to know more about dangerous individuals, dangerous places, and what they are doing in an attempt to harm America. There are glaring blind spots today, when it comes to intelligence, that will make us unable to defend our country. We are in the process of trying to correct some of those blind spots, but more needs to be done.

This report focuses like a laser, particularly on improving the level of human intelligence that will augment our technology, and other sources at our disposal to provide for the common defense.

In conclusion, let me say this. I am reminded of the old adage, "Fool me once, shame on you; fool me twice, shame on me." It is no longer possible to deny there are glaring weaknesses in the national security intelligence apparatus that sprung up following World War II. It was designed for a different time and a different challenge. We must seize this opportunity and put into place truly transformational change that will enable us to defend our country against the threats of the 21st century, not those that threatened us in the recent past.

Those who would temporize, equivocate, and those who would unduly compromise will bear a very heavy burden indeed should another tragedy strike this country. Now is the time for bold action. Now is the time to put aside the bureaucratic turf jealousies, inertia, and divisions that afflict the Congress and the executive branch and unite politically, unite across branches of Government, unite in a common purpose of truly bold reform and change, so that those who follow in our footsteps will know we have done everything humanly possible to protect this country.

Some of the sacrifices need to start with this Congress. Too often people

have committee jealousies and they want to protect turf. We need to put that aside and unite as one people, one Congress, to protect this Nation. That is what this legislation does. So I am pleased to join with my colleagues in a bipartisan spirit to move the intelligence system forward and defend America.

I will conclude with a saying I once read. I am a member of the Intelligence Committee. At one of the briefings, we got what was actually a cover sheet of the budget for the intelligence community a couple of years ago. The budget is classified, but this is not. It was a quote from Napoleon Bonaparte, which I found interesting. Napoleon Bonaparte once said "a well-placed spy is worth at least two divisions." Well, today a well-placed spy and access to timely, accurate information could be worth two American cities; it could mean the difference between hundreds of thousands of lives saved or lost.

Let us not get embroiled in political, bureaucratic, or other disputes when the fate of our Nation hangs in the balance. Now is the time to act. I am honored to join with my colleagues in proposing that we do exactly that.

Mr. MCCAIN. Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "9/11 Commission Report Implementation Act of 2004".

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

Sec. 1. Short title; table of contents.

TITLE I—REFORM OF INTELLIGENCE COMMUNITY

Sec. 101. Short title.

Sec. 102. Definitions.

Subtitle A—National Intelligence Authority

Sec. 111. National Intelligence Authority.

Sec. 112. National Intelligence Director.

Sec. 113. Office of the National Intelligence Director.

Sec. 114. Deputy National Intelligence Directors.

Sec. 115. National Intelligence Council.

Sec. 116. General Counsel of the National Intelligence Authority.

Sec. 117. Inspector General of the National Intelligence Authority.

Sec. 118. Intelligence Comptroller.

Sec. 119. Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.

Sec. 120. Privacy Officer of the National Intelligence Authority.

Sec. 121. Chief Information Officer of the National Intelligence Authority.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

Sec. 131. Provision of national intelligence.

Sec. 132. Responsibilities of National Intelligence Director.

Sec. 133. Authorities of National Intelligence Director.

Sec. 134. Enhanced personnel management.

Sec. 135. Role of National Intelligence Director in appointment and termination of certain officials responsible for intelligence-related activities.

Subtitle C—Elements of National Intelligence Authority

Sec. 141. National Counterterrorism Center.
Sec. 142. National intelligence centers.

Subtitle D—Additional Authorities of National Intelligence Authority

Sec. 151. Use of appropriated funds.
Sec. 152. Procurement authorities.
Sec. 153. Personnel matters.
Sec. 154. Ethics matters.

Subtitle E—Additional Improvements of Intelligence Activities

Sec. 161. Availability to public of certain intelligence funding information.
Sec. 162. Merger of Homeland Security Council into National Security Council.
Sec. 163. Reform of Central Intelligence Agency.
Sec. 164. Paramilitary operations.
Sec. 165. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
Sec. 166. Report on implementation of intelligence community reform.

Subtitle F—Conforming and Other Amendments

Sec. 171. Restatement and modification of basic authority of the Central Intelligence Agency.
Sec. 172. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.
Sec. 173. Other conforming amendments.
Sec. 174. Elements of intelligence community under National Security Act of 1947.
Sec. 175. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
Sec. 176. Repeal of superseded authorities.
Sec. 177. Clerical amendments to National Security Act of 1947.
Sec. 178. Conforming amendments relating to dual service of certain officials as Deputy National Intelligence Directors.
Sec. 179. Conforming amendment to Inspector General Act of 1978.

Subtitle G—Other Matters

Sec. 181. Transfer of Community Management Staff.
Sec. 182. Transfer of Terrorist Threat Integration Center.
Sec. 183. Termination of positions of Assistant Directors of Central Intelligence.
Sec. 184. Termination of Joint Military Intelligence Program.
Sec. 185. Executive schedule matters.
Sec. 186. Preservation of intelligence capabilities.
Sec. 187. General references.

TITLE II—INFORMATION SHARING

Sec. 201. Information sharing.

TITLE III—CONGRESSIONAL REFORM

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

TITLE IV—PRESIDENTIAL TRANSITION

Sec. 401. Presidential transition.

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

Sec. 501. Report on terrorist sanctuaries.
Sec. 502. Role of Pakistan in countering terrorism.

Sec. 503. Aid to Afghanistan.

Sec. 504. The United States-Saudi Arabia relationship.

Sec. 505. Efforts to combat Islamic terrorism by engaging in the struggle of ideas in the Islamic world.

Sec. 506. United States policy toward dictatorships.

Sec. 507. Promotion of United States values through broadcast media.

Sec. 508. Use of United States scholarship and exchange programs in the Islamic world.

Sec. 509. International Youth Opportunity Fund.

Sec. 510. Report on the use of economic policies to combat terrorism.

Sec. 511. Middle East Partnership Initiative.

Sec. 512. Comprehensive coalition strategy for fighting terrorism.

Sec. 513. Detention and humane treatment of captured terrorists.

Sec. 514. Proliferation of weapons of mass destruction.

Sec. 515. Financing of terrorism.

TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING

Sec. 601. Counterterrorist travel intelligence.

Sec. 602. Integrated screening system.

Sec. 603. Biometric entry and exit data system.

Sec. 604. Travel documents.

Sec. 605. Exchange of terrorist information.

Sec. 606. Minimum standards for identification-related documents.

TITLE VII—TRANSPORTATION SECURITY

Sec. 701. Definitions.

Sec. 702. National Strategy for Transportation Security.

Sec. 703. Use of watchlists for passenger air transportation screening.

Sec. 704. Enhanced passenger and cargo screening.

TITLE VIII—NATIONAL PREPAREDNESS

Sec. 801. Homeland security assistance.

Sec. 802. The incident command system.

Sec. 803. National Capital Region Mutual Aid.

Sec. 804. Assignment of spectrum for public safety.

Sec. 805. Urban area communications capabilities.

Sec. 806. Private sector preparedness.

Sec. 807. Critical infrastructure and readiness assessments.

Sec. 808. Report on Northern Command and defense of the United States homeland.

TITLE IX—PROTECTION OF CIVIL LIBERTIES

Sec. 901. Privacy and Civil Liberties Oversight Board.

Sec. 902. Privacy and Civil Liberties Officers.

TITLE I—REFORM OF INTELLIGENCE COMMUNITY

SEC. 101. SHORT TITLE.

This title may be cited as the “National Intelligence Authority Act of 2004”.

SEC. 102. DEFINITIONS.

In this title:

(1) The term “intelligence” includes foreign intelligence and counterintelligence.

(2) The term “foreign intelligence” means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

(3) The term “counterintelligence” means information gathered, and activities conducted, to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

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

(A) The National Intelligence Authority.

(B) The Central Intelligence Agency.

(C) The National Security Agency.

(D) The Defense Intelligence Agency.

(E) The National Geospatial-Intelligence Agency.

(F) The National Reconnaissance Office.

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

(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

(I) The Bureau of Intelligence and Research of the Department of State.

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

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

(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the department or agency concerned, as an element of the intelligence community.

(5) The terms “national intelligence” and “intelligence related to the national security”—

(A) each refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the National Intelligence Director and the Attorney General, or otherwise as expressly provided for in this title.

(6) The term “National Intelligence Program”—

(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community; and

(ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Office of Intelligence of the Federal Bureau of Investigation, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security; but

(B) does not refer—

(i) to any program, project, or activity pertaining solely to the requirements of a single department, agency, or element of the United States Government; or

(ii) to any program, project, or activity of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by the United States Armed Forces.

(7) The term “congressional intelligence committees” means—

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

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

Subtitle A—National Intelligence Authority

SEC. 111. NATIONAL INTELLIGENCE AUTHORITY.

(a) INDEPENDENT ESTABLISHMENT.—There is hereby established as an independent establishment in the executive branch of government the National Intelligence Authority.

(b) COMPOSITION.—The National Intelligence Authority is composed of the following:

(1) The Office of the National Intelligence Director.

(2) The elements specified in subtitle C.

(3) Such other elements, offices, agencies, and activities as may be designated by law or by the President as part of the Authority.

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

(1) To unify and strengthen the efforts of the intelligence community.

(2) To ensure the organization of the efforts of the intelligence community in a collective manner relating to intelligence responsibilities.

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

(4) To eliminate barriers in the conduct of the counterterrorism activities of the United States Government between foreign intelligence activities conducted inside and outside the United States while ensuring the protection of civil liberties.

(5) To establish clear responsibility and accountability for counterterrorism and other intelligence matters relating to the national security of the United States.

(d) SEAL.—The National Intelligence Director shall have a seal for the National Intelligence Authority. The design of the seal is subject to the approval of the President. Judicial notice shall be taken of the seal.

SEC. 112. NATIONAL INTELLIGENCE DIRECTOR.

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

(b) INDIVIDUALS ELIGIBLE FOR NOMINATION.—Any individual nominated for appointment as National Intelligence Director shall have extensive national security expertise.

(c) PRINCIPAL DUTIES AND RESPONSIBILITIES.—The National Intelligence Director shall—

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

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

(3) serve as the head of the National Intelligence Authority (but may not serve as the Director of the Central Intelligence Agency); and

(4) direct, manage, and oversee the execution of the National Intelligence Program.

(d) GENERAL RESPONSIBILITIES AND AUTHORITIES.—In carrying out the duties and responsibilities set forth in subsection (c), the National Intelligence Director shall have the responsibilities set forth in section 132 and the authorities set forth in section 133 and other applicable provisions of law.

SEC. 113. OFFICE OF THE NATIONAL INTELLIGENCE DIRECTOR.

(a) OFFICE OF NATIONAL INTELLIGENCE DIRECTOR.—There is within the National Intelligence Authority an Office of the National Intelligence Director.

(b) FUNCTION.—The function of the Office of the National Intelligence Director is to assist the National Intelligence Director in carrying out the duties and responsibilities of the Director under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

(c) COMPOSITION.—The Office of the National Intelligence Director is composed of the following:

(1) The Deputy National Intelligence Director.

(2) The Deputy National Intelligence Director for Foreign Intelligence.

(3) The Deputy National Intelligence Director for Defense Intelligence.

(4) The Deputy National Intelligence Director for Homeland Intelligence.

(5) The National Intelligence Council.

(6) The General Counsel of the National Intelligence Authority.

(7) The Inspector General of the National Intelligence Authority.

(8) The Intelligence Comptroller.

(9) The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.

(10) The Privacy Officer of the National Intelligence Authority.

(11) The Chief Information Officer of the National Intelligence Authority.

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

(d) STAFF.—(1) To assist the National Intelligence Director in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the National Intelligence Director a professional staff having an expertise in matters relating to such duties and responsibilities, and may establish permanent positions and appropriate rates of pay with respect to that staff.

(2) The staff of the Office under paragraph (1) shall include the elements of the Community Management Staff that are transferred to the Office under section 181.

SEC. 114. DEPUTY NATIONAL INTELLIGENCE DIRECTORS.

(a) DEPUTY NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a Deputy National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as Deputy National Intelligence Director shall have extensive national security experience and management expertise.

(3) The individual serving as Deputy National Intelligence Director may not serve in any capacity in any other element of the intelligence community.

(4) The Deputy National Intelligence Director shall assist the National Intelligence Director in carrying out the duties and responsibilities of the Director.

(5) The Deputy National Intelligence Director shall act for, and exercise the powers of, the National Intelligence Director during the absence or disability of the National Intelligence Director or during a vacancy in the position of National Director of Intelligence.

(b) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR FOREIGN INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Foreign Intelligence.

(2) The Director of the Central Intelligence Agency under section 103 of the National Security Act of 1947 also serves as the Deputy National Intelligence Director for Foreign Intelligence.

(3) In the capacity as Deputy National Intelligence Director for Foreign Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for foreign intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to foreign intelligence as the Director may assign.

(c) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR DEFENSE INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Defense Intelligence.

(2) The Under Secretary of Defense for Intelligence under section 137 of title 10, United States Code, also serves as the Deputy National Intelligence Director for Defense Intelligence.

(3) In the capacity as Deputy National Intelligence Director for Defense Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for defense intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to foreign intelligence as the Director may assign.

(d) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR HOMELAND INTELLIGENCE.—(1) There is a Deputy National Intelligence Director for Homeland Intelligence.

(2)(A) At the election of the National Intelligence Director, one of the officials specified in subparagraph (B) also serves as the Deputy National Intelligence Director for Homeland Intelligence.

(B) The officials specified in this subparagraph are as follows:

(i) The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection under section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121).

(ii) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(3) In the capacity as Deputy National Intelligence Director for Homeland Intelligence, the Deputy Director shall—

(A) have the duties and responsibilities specified in subsection (e) with respect to the elements of the intelligence community (as determined by the National Intelligence Director) that are responsible for homeland intelligence matters; and

(B) such other duties, responsibilities, and authorities with respect to homeland intelligence as the Director may assign.

(e) DUTIES AND RESPONSIBILITIES REGARDING SPECIFIC INTELLIGENCE MATTERS.—Each Deputy National Intelligence Director shall assist the National Intelligence Director and the Deputy National Intelligence Director under subsection (a) in—

(1) managing the collection, analysis, production, and dissemination of intelligence in accordance with the standards, requirements, and priorities established by the National Intelligence Director;

(2) ensuring the acquisition of collection systems in accordance with the standards, requirements, and priorities established by the National Intelligence Director;

(3) setting standards, requirements, and priorities for the hiring and training of personnel;

(4) assigning or detailing personnel as staff of the national intelligence centers;

(5) overseeing the performance of the national intelligence centers, subject to the direction of the National Intelligence Director;

(6) ensuring that the intelligence community makes better use of open source information and analysis; and

(7) coordinating among the agencies, elements, and components of the intelligence community.

SEC. 115. NATIONAL INTELLIGENCE COUNCIL.

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

(b) COMPOSITION.—(1) The National Intelligence Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the National Intelligence Director.

(2) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council, or as contractors of the Council or employees of such contractors, to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

(c) DUTIES AND RESPONSIBILITIES.—(1) The National Intelligence Council shall—

(A) subject to paragraph (2), produce national intelligence estimates for the United States Government, including, whenever the Council considers appropriate, alternative views held by elements of the intelligence community;

(B) evaluate community-wide collection and production of intelligence by the intelligence community and the requirements and resources of such collection and production; and

(C) otherwise assist the National Intelligence Director in carrying out the responsibilities of the Director under section 131.

(2) The National Intelligence Director shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence by ensuring that each national intelligence estimate under paragraph (1)—

(A) states separately, and distinguishes between, the intelligence underlying such estimate and the assumptions and judgments of analysts with respect to such intelligence and such estimate;

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

(C) presents and explains alternative conclusions, if any, with respect to the intelligence underlying such estimate and such estimate; and

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

(d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.—Within their respective areas of expertise and under the direction of the National Intelligence Director, the members of the National Intelligence Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the United States Government.

(e) AUTHORITY TO CONTRACT.—Subject to the direction and control of the National Intelligence Director, the National Intelligence Council may carry out its responsibilities under this section by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this section.

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

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

(2) The Council shall be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.

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

SEC. 116. GENERAL COUNSEL OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) GENERAL COUNSEL OF NATIONAL INTELLIGENCE AUTHORITY.—There is a General Counsel of the National Intelligence Author-

ity who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

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

(c) SCOPE OF POSITION.—The General Counsel of the National Intelligence Authority is the chief legal officer of the National Intelligence Authority.

(d) FUNCTIONS.—The General Counsel of the National Intelligence Authority shall perform such functions as the National Intelligence Director may prescribe.

SEC. 117. INSPECTOR GENERAL OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) OFFICE OF INSPECTOR GENERAL OF NATIONAL INTELLIGENCE AUTHORITY.—There is an Office of the Inspector General of the National Intelligence Authority.

(b) PURPOSE.—The purpose of the Office of the Inspector General of the National Intelligence Authority is to—

(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

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

(B) the relationships among the elements of the intelligence community within the National Intelligence Program; and

(C) the relationship of the Authority with the other elements of the intelligence community;

(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and in the relationships described in paragraph (1), and to detect fraud and abuse in such programs, operations, and relationships;

(3) provide a means for keeping the National Intelligence Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and in such relationships, and the necessity for, and the progress of, corrective actions; and

(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of significant problems and deficiencies relating to the administration of such programs and operations, and in such relationships, as well as the necessity for, and the progress of, corrective actions.

(c) INSPECTOR GENERAL OF NATIONAL INTELLIGENCE AUTHORITY.—(1) There is an Inspector General of the National Intelligence Authority, who shall be the head of the Office of the Inspector General of the National Intelligence Authority, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

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

(A) without regard to political affiliation;

(B) solely on the basis of integrity, compliance with the security standards of the National Intelligence Authority, and prior experience in the field of intelligence or national security; and

(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

(3) The Inspector General shall report directly to and be under the general supervision of the National Intelligence Director.

(4) The Inspector General may be removed from office only by the President. The Presi-

dent shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

(d) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the National Intelligence Authority—

(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the National Intelligence Authority, and in the relationships among the elements of the intelligence community within the National Intelligence Program, to ensure they are conducted efficiently and in accordance with applicable law and regulations;

(2) to keep the National Intelligence Director fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in the relationships described in paragraph (1), and to report the progress made in implementing corrective action;

(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

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

(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within seven days to the congressional intelligence committees.

(3) The Director shall advise the Inspector General at the time a report under paragraph (1) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

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

(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of the National Intelligence Authority whose testimony is needed for the performance of the duties of the Inspector General.

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

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

(D) Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, including loss of employment or the termination of an existing contractual relationship.

(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Authority—

(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information may be taken by any employee of the Authority in a position to take such actions, unless such complaint was made or such information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the National Intelligence Authority designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

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

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

(g) **STAFF AND OTHER SUPPORT.**—(1) The Inspector General of the National Intelligence Authority shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

(2)(A) Subject to applicable law and the policies of the National Intelligence Director, the Inspector General shall select, appoint and employ such officers and employ-

ees as may be necessary to carry out the functions of the Inspector General.

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

(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the National Intelligence Authority a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

(h) **REPORTS.**—(1)(A) The Inspector General of the National Intelligence Authority shall, not later than January 31 and July 31 of each year, prepare and submit to the National Intelligence Director a classified semiannual report summarizing the activities of the Office of the Inspector General of the National Intelligence Authority during the immediately preceding six-month periods ending December 31 (of the preceding year) and June 30, respectively.

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

(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report.

(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Intelligence Authority identified by the Inspector General during the period covered by such report.

(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

(iv) A statement whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

(v) An assessment of the effectiveness of all measures in place in the Authority for the protection of civil liberties and privacy of United States persons.

(vi) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

(vii) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

(viii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Authority, and to detect and eliminate fraud and abuse in such programs and operations.

(C) Not later than 30 days after the date of the submittal of a report under subparagraph

(A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations of the Authority or regarding relationships among the elements of the intelligence community within the National Intelligence Program.

(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

(3) In the event that—

(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Authority official who holds or held a position in the Authority that is subject to appointment by the President, by and with the advice and consent of the Senate, including such a position held on an acting basis;

(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

(4) Pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

(5)(A) An employee of the Authority, or of a contractor to the Authority, who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

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

(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit

the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

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

(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

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

(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

(G) In this paragraph, the term "urgent concern" means any of the following:

(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operations of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

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

(i) **SEPARATE BUDGET ACCOUNT.**—The National Intelligence Director shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the National Intelligence Authority.

SEC. 118. INTELLIGENCE COMPTROLLER.

(a) **INTELLIGENCE COMPTROLLER.**—There is an Intelligence Comptroller who shall be appointed from civilian life by the National Intelligence Director.

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

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

(1) assist the National Intelligence Director in the preparation and execution of the

budget of the elements of the intelligence community within the National Intelligence Program;

(2) assist the Director in participating in the development by the Secretary of Defense of the annual budget for military intelligence programs and activities outside the National Intelligence Program;

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

(4) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 119. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) **OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES OF NATIONAL INTELLIGENCE AUTHORITY.**—There is an Officer for Civil Rights and Civil Liberties of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

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

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

(1) assist the National Intelligence Director in ensuring that the protection of civil rights and civil liberties is appropriately incorporated in the policies and procedures developed for and implemented by the National Intelligence Authority and in the relationships among the elements of the intelligence community within the National Intelligence Program;

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

(3) review, investigate, and assess complaints and other information indicating possible abuses of civil rights or civil liberties in the administration of the programs and operations of the Authority, and in the relationships described in paragraph (1), unless, in the determination of the Inspector General of the National Intelligence Authority, the review, investigation, or assessment of a particular complaint or information can better be conducted by the Inspector General; and

(4) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 120. PRIVACY OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) **PRIVACY OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.**—There is a Privacy Officer of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) **DUTIES.**—The Privacy Officer of the National Intelligence Authority shall have primary responsibility for the privacy policy of the National Intelligence Authority, including—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(2) assuring that personal information contained in Privacy Act systems of records is handled in full compliance with fair information practices as set out in the Privacy Act of 1974;

(3) conducting privacy impact assessments when appropriate or as required by law; and

(4) performing such other duties as may be prescribed by the Director or specified by law.

SEC. 121. CHIEF INFORMATION OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) **CHIEF INFORMATION OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.**—There is a Chief Information Officer of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

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

(1) assist the National Intelligence Director in developing and implementing an integrated information technology network, as required by section 132(a)(14);

(2) develop an enterprise architecture for the intelligence community and assist the Director in ensuring that elements of the intelligence community comply with such architecture;

(3) ensure that the elements of the intelligence community have direct and continuous electronic access to all information (including unevaluated intelligence) necessary for appropriately cleared analysts to conduct comprehensive all-source analysis and for appropriately cleared policymakers to perform their duties;

(4) review and provide recommendations to the Director on National Intelligence Program budget requests for information technology and national security systems;

(5) assist the Director in promulgating and enforcing standards on information technology and national security systems that apply throughout the intelligence community;

(6) provide for the elimination of duplicate information technology and national security systems within and between the elements of the intelligence community; and

(7) perform such other duties with respect to the information systems and information technology of the National Intelligence Authority as may be prescribed by the Director or specified by law.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

SEC. 131. PROVISION OF NATIONAL INTELLIGENCE.

(a) **IN GENERAL.**—Under the direction of the National Security Council, the National Intelligence Director shall be responsible for providing national intelligence—

(1) to the President;

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

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

(4) where appropriate, to the Senate and House of Representatives and the committees thereof.

(b) **NATIONAL INTELLIGENCE.**—Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 132. RESPONSIBILITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) **IN GENERAL.**—The National Intelligence Director shall—

(1) develop and present to the President on an annual basis a unified budget for the intelligence and intelligence-related activities of the United States Government;

(2) ensure a unified budget for the intelligence and intelligence-related activities of the United States Government that reflects an appropriate balance among the varieties of technical and human intelligence methods and analysis;

(3) direct and manage the tasking of collection, analysis, and dissemination of national intelligence by elements of the intelligence community, including the establishment of requirements and priorities of such tasking;

(4) approve collection and analysis requirements, determine collection and analysis

priorities, and resolve conflicts in collection and analysis priorities levied on national intelligence collection and analysis assets;

(5) establish and oversee the National Counterterrorism Center under section 141 and the national intelligence centers under section 142;

(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or Executive order;

(7) develop and implement, in consultation with the heads of the other elements of the intelligence community, personnel policies and programs applicable to the intelligence community that—

(A) facilitate assignments and details of personnel to the National Counterterrorism Center under section 141, to national intelligence centers under section 142, and across agency lines;

(B) set standards for education and training;

(C) ensure that the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence by ensuring the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(D) make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify;

(E) ensure the effective management and authority of intelligence community personnel who are responsible for intelligence community-wide matters; and

(F) include the enhancements required under section 134;

(8) promote and evaluate the utility of national intelligence to consumers within the United States Government;

(9) ensure that appropriate officials of the United States Government and other appropriate individuals have access to a variety of intelligence assessments and analytical views;

(10) protect intelligence sources and methods from unauthorized disclosure;

(11) establish requirements and procedures for the classification of information and for access to classified information;

(12) establish requirements and procedures for the dissemination of classified information by elements of the intelligence community;

(13) establish information sharing and intelligence reporting guidelines that maximize the dissemination of information while protecting intelligence sources and methods;

(14) develop, in consultation with the heads of appropriate departments and agencies of the United States Government, an integrated information technology network that provides for the efficient and secure exchange of intelligence information among all elements of the intelligence community and such other entities and persons as the Director considers appropriate;

(15) ensure compliance by the elements of the intelligence community with the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States, including all laws, regulations, Executive orders, and implementing

guidelines relating to the protection of civil liberties and privacy of United States persons;

(16) eliminate waste and unnecessary duplication within the intelligence community; and

(17) perform such other functions as the President may direct.

(b) **UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.**—The President, acting through the National Intelligence Director, shall—

(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any department, agency, or element of the United States Government, and to employees of contractors of such departments, agencies, and elements;

(2) ensure the consistent implementation of such standards and procedures throughout the departments, agencies, and elements of the United States Government; and

(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

SEC. 133. AUTHORITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) **ACCESS TO INTELLIGENCE.**—To the extent approved by the President, the National Intelligence Director shall have access to all intelligence related to the national security which is collected by any department, agency, or other element of the United States Government.

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

(1) developing and presenting to the President an annual budget for the National Intelligence Program, including, in furtherance of such budget, the review, modification, and approval of budgets of the elements of the intelligence community within the National Intelligence Program utilizing the budget authorities in subsection (d)(1);

(2) providing guidance on the development of annual budgets for such elements of the intelligence community as are not within the National Intelligence Program utilizing the budget authorities in subsection (d)(2);

(3) participating in the development by the Secretary of Defense of the annual budget for military intelligence programs and activities outside the National Intelligence Program;

(4) having direct jurisdiction of amounts appropriated or otherwise made available for the National Intelligence Program as specified in subsection (e); and

(5) managing and overseeing the execution, and, if necessary, the modification of the annual budget for the National Intelligence Program, including directing the reprogramming and reallocation of funds, and the transfer of personnel, among and between elements of the intelligence community within the National Intelligence Program utilizing the authorities in subsections (f) and (g).

(c) **SCOPE OF NIP AND JMIP.**—The National Intelligence Director and the Secretary of Defense shall jointly review the programs, projects, and activities under the Joint Military Intelligence Program in order to identify the programs, projects, and activities within the Joint Military Intelligence Program as of the date of the enactment of this Act that pertain to national intelligence. Any programs, projects, and activities so identified are to be carried out instead within the National Intelligence Program.

(d) **BUDGET AUTHORITIES.**—(1)(A) The National Intelligence Director shall direct, co-

ordinate, prepare, modify, and present to the President the annual budgets of the elements of the intelligence community within the National Intelligence Program, in consultation with the heads of those elements.

(B) The budget of an element of the intelligence community within the National Intelligence Program may not be provided to the President for transmission to Congress unless the Director has approved such budget.

(2)(A) The Director shall provide guidance for the development of the annual budgets for such elements of the intelligence community as are not within the National Intelligence Program;

(B) The heads of the elements of the intelligence community referred to in subparagraph (A) shall coordinate closely with the Director in the development of the budgets of such elements, before the submission of their recommendations on such budgets to the President.

(e) **JURISDICTION OF FUNDS UNDER NIP.**—Notwithstanding any other provision of law and consistent with section 504 of the National Security Act of 1947 (50 U.S.C. 414), any amounts appropriated or otherwise made available for the National Intelligence Program shall be appropriated to, and under the direct jurisdiction of, the National Intelligence Director.

(f) **ROLE IN REPROGRAMMING.**—(1) No funds made available under the National Intelligence Program may be reprogrammed by any element of the intelligence community within the National Intelligence Program without the prior approval of the National Intelligence Director except in accordance with procedures issued by the Director.

(2) The Director shall consult with the appropriate committees of Congress regarding modifications of existing procedures to expedite the reprogramming of funds within the National Intelligence Program.

(g) **TRANSFER OF FUNDS OR PERSONNEL WITHIN NATIONAL INTELLIGENCE PROGRAM.**—

(1)(A) In addition to any other authorities available under law for such purposes, the National Intelligence Director, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Intelligence Program to another such program and, in accordance with procedures to be developed by the National Intelligence Director and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element.

(B) The National Intelligence Director may delegate a duty of the Director under this subsection only to the Deputy National Intelligence Director.

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

(A) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

(B) the need for funds or personnel for such activity is based on unforeseen requirements; and

(C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency.

(3) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

(4) Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how

it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of October 24, 1992.

(5) The National Intelligence Director shall promptly submit to the congressional intelligence committees and, in the case of the transfer of personnel to or from the Department of Defense, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, a report on any transfer of personnel made pursuant to this subsection. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

SEC. 134. ENHANCED PERSONNEL MANAGEMENT.

(a) **REWARDS FOR SERVICE IN CERTAIN POSITIONS.**—(1) The National Intelligence Director shall, under regulations prescribed by the Director, provide incentives for service on the staff of the national intelligence centers, on the staff of the National Counterterrorism Center, and in other positions in support of the intelligence community management functions of the Director.

(2) Incentives under paragraph (1) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

(b) **ENHANCED PROMOTION FOR SERVICE UNDER NID.**—(1) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed to service under the National Intelligence Director shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

(2) The Director may prescribe regulations to carry out this section.

(c) **JOINT CAREER MATTERS.**—(1) In carrying out section 132(a)(7), the National Intelligence Director shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, and disciplines.

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

(A) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.

(B) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.

(C) The establishment of requirements for education, training, service, and evaluation that involve service in more than one element of the intelligence community.

(3) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate within the intelligence community the joint officer management policies established by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) and the amendments on joint officer management made by that Act.

SEC. 135. ROLE OF NATIONAL INTELLIGENCE DIRECTOR IN APPOINTMENT AND TERMINATION OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) **RECOMMENDATION OF NID IN CERTAIN APPOINTMENTS.**—(1) In the event of a vacancy in a position referred to in paragraph (3), the National Intelligence Director shall rec-

ommend to the President an individual for nomination to fill the vacancy.

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

(A) The Deputy National Intelligence Director.

(B) The Deputy National Intelligence Director for Foreign Intelligence.

(b) **CONCURRENCE OF SECRETARY OF DEFENSE IN CERTAIN APPOINTMENTS RECOMMENDED BY NID.**—(1) In the event of a vacancy in a position referred to in paragraph (2), the National Intelligence Director shall obtain the concurrence of the Secretary of Defense before recommending to the President an individual for nomination to fill such vacancy. If the Secretary does not concur in the recommendation, the Director may make the recommendation to the President without the concurrence of the Secretary, but shall include in the recommendation a statement that the Secretary does not concur in the recommendation.

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

(A) The Director of the National Security Agency.

(B) The Director of the National Reconnaissance Office.

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

(c) **CONCURRENCE OF NID IN CERTAIN APPOINTMENTS.**—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the National Intelligence Director before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may fill the vacancy or make the recommendation to the President (as the case may be) without the concurrence of the Director, but shall notify the President that the Director does not concur in appointment or recommendation (as the case may be).

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

(A) The Under Secretary of Defense for Intelligence.

(B) The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

(C) The Director of the Defense Intelligence Agency.

(D) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(d) **RECOMMENDATION OF NID IN TERMINATION OF SERVICE.**—The National Intelligence Director may recommend to the President or the head of the department or agency concerned the termination of service of any individual serving in any position covered by this section.

Subtitle C—Elements of National Intelligence Authority

SEC. 141. NATIONAL COUNTERTERRORISM CENTER.

(a) **NATIONAL COUNTERTERRORISM CENTER.**—There is within the National Intelligence Authority a National Counterterrorism Center.

(b) **DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.**—(1) There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) Any individual nominated for appointment as the Director of the National Counterterrorism Center shall have significant expertise in matters relating to the national security of the United States and mat-

ters relating to terrorism that threatens the national security of the United States.

(c) **SUPERVISION.**—(1) The Director of the National Counterterrorism Center shall report to the National Intelligence Director on—

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

(B) the activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (f); and

(C) the conduct of intelligence operations implemented by other elements of the intelligence community.

(2) The Director of the National Counterterrorism Center shall report directly to the President and the National Security Council on the planning and progress of joint counterterrorism operations (other than intelligence operations).

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

(1) To unify strategy for the civilian and military counterterrorism efforts of the United States Government.

(2) To effectively integrate counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States.

(e) **DUTIES AND RESPONSIBILITIES OF DIRECTOR.**—Notwithstanding any other provision of law, at the direction of the President and the National Security Council, the Director of the National Counterterrorism Center shall—

(1) serve, through the National Intelligence Director, as the principal adviser to the President on intelligence operations relating to counterterrorism;

(2) provide unified strategic direction for the civilian and military counterterrorism efforts of the United States Government and for the effective integration of counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States;

(3) advise the President and the National Intelligence Director on the extent to which the counterterrorism program recommendations and budget proposals of the departments, agencies, and elements of the United States Government conform to the priorities established by the President and the National Security Council;

(4) concur in, or advise the President on, the selections of personnel to head the operating entities of the United States Government with principal missions relating to counterterrorism, including the head of the Central Intelligence Agency's Counterterrorist Center, the head of the Counterterrorism Division of the Federal Bureau of Investigation, the coordinator for counterterrorism of the Department of State, and the commanders of the Special Operations Command and the Northern Command within the Department of Defense; and

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

(f) **DIRECTORATE OF INTELLIGENCE.**—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence.

(2) The Directorate shall utilize the capabilities of the Terrorist Threat Integration Center (TTIC) transferred to the Directorate by section 182 and such other capabilities as the Director of the National Counterterrorism Center considers appropriate.

(3) The Directorate shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations from all sources of intelligence, whether collected inside or outside the United States.

(4) The Directorate shall—

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

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

(C) have primary responsibility within the United States Government for net assessments and warnings about terrorist threats, which assessments and warnings shall be based on a comparison of terrorist capabilities with assessed national vulnerabilities; and

(D) perform such other duties and functions as the Director of the National Counterterrorism Center may prescribe.

(g) **DIRECTORATE OF OPERATIONS.**—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Operations.

(2)(A) The Directorate shall have primary responsibility within the United States Government for providing guidance and plans, including strategic plans, for joint counterterrorism operations conducted by the United States Government.

(B) For purposes of subparagraph (A), joint counterterrorism operations are counterterrorism operations that—

(i) involve, or are likely to involve, more than one executive agency of the United States Government (including the Armed Forces of the United States); or

(ii) are designated as joint operations by the Director of the National Counterterrorism Center.

(3) The Directorate shall—

(A) provide guidance, and develop strategy and plans for operations, to counter terrorist activities based on policy objectives and priorities established by the National Security Council;

(B) develop plans under subparagraph (A) utilizing input from personnel in other departments, agencies, and elements of the United States Government who have expertise in the priorities, functions, assets, programs, capabilities, and operations of such departments, agencies, and elements with respect to counterterrorism;

(C) assign responsibilities for counterterrorism operations to the departments, agencies, and elements of the United States Government (including the Department of Defense and the Armed Forces, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Homeland Security, and other departments, agencies, and elements of the United States Government), consistent with the authorities of such departments, agencies, and elements, which operations shall be conducted by the department, agency, or element to which assigned and, in the case of operations assigned to units of the Armed Forces, shall require the concurrence of the Secretary of Defense;

(D) monitor the implementation of operations assigned under subparagraph (C) and update plans for such operations as necessary;

(E) report to the President and the National Intelligence Director on the compliance of the departments, agencies, and elements of the United States with the plans developed under subparagraph (A); and

(F) perform such other duties and functions as the Director of the National Counterterrorism Center may prescribe.

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

(h) **STAFF.**—(1) The Director of the National Counterterrorism Center may, in the discretion of the Director, appoint deputy directors of the National Counterterrorism Center to oversee such portions of the operations of the National Counterterrorism Center as the Director considers appropriate.

(2) To assist the Director of the National Counterterrorism Center in fulfilling the duties and responsibilities of the Director under this section, the Director shall employ and utilize in the National Counterterrorism Center a professional staff having an expertise in matters relating to such duties and responsibilities.

(3) In providing for a professional staff for the National Counterterrorism Center under paragraph (2), the Director of the National Counterterrorism Center may establish as positions in the excepted service such positions in the Center as the Director considers appropriate.

(4) The Director of the National Counterterrorism Center shall ensure, with the approval of the National Intelligence Director, that the analytical staff of the National Counterterrorism Center is comprised primarily of experts from elements in the intelligence community and from such other personnel in the United States Government as the Director of the National Counterterrorism Center considers appropriate.

(5)(A) In order to meet the requirement in paragraph (4), the National Intelligence Director shall—

(i) transfer to the staff of the National Counterterrorism Center any personnel of another element of the intelligence community that the National Intelligence Director considers appropriate; and

(ii) in the case of personnel from a department, agency, or element of the United States Government outside the intelligence community, request the transfer of such personnel from the department, agency, or element concerned.

(B) The head of a department, agency, or element of the United States Government receiving a request for the transfer of personnel under subparagraph (A)(ii) shall, to the extent practicable, approve the request.

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

(7) The Director of the National Counterterrorism Center shall evaluate the staff of the National Counterterrorism Center in the performance of their duties.

(i) **SUPPORT AND COOPERATION OF OTHER AGENCIES.**—(1) The elements of the intelligence community and the other departments, agencies, and elements of the United States Government shall support, assist, and cooperate with the National Counterterrorism Center in carrying out its missions under this section.

(2) The support, assistance, and cooperation of a department, agency, or element of the United States Government under this subsection shall include, but not be limited to—

(A) the implementation of plans for operations, whether foreign or domestic, that are developed by the National Counterterrorism Center in a manner consistent with the laws and regulations of the United States;

(B) cooperative work with the Director of the National Counterterrorism Center to ensure that ongoing operations of such department, agency, or element do not conflict with joint operations planned by the Center;

(C) reports, upon request, to the Director of the National Counterterrorism Center on

the progress of such department, agency, or element in implementing responsibilities assigned to such department, agency, or element through joint operations plans; and

(D) the provision to the analysts of the National Counterterrorism Center electronic access in real time to information and intelligence collected by such department, agency, or element that is relevant to the mission of the Center.

(3)(A) In the event of a disagreement between the National Counterterrorism Center and the head of a department, agency, or element of the United States Government on a plan developed or responsibility assigned by the Center under this section, the Director of the National Counterterrorism Center shall notify the National Security Council of the disagreement.

(B) The National Security Council shall resolve each disagreement of which the Council is notified under subparagraph (A).

SEC. 142. NATIONAL INTELLIGENCE CENTERS.

(a) **NATIONAL INTELLIGENCE CENTERS.**—(1) The National Intelligence Director shall establish within the National Intelligence Authority centers (to be known as “national intelligence centers”) to address intelligence priorities established by the National Security Council.

(2) Each national intelligence center shall be assigned an area of intelligence responsibility, whether expressed in terms of a geographic region, in terms of function, or in other terms.

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

(b) **ESTABLISHMENT OF CENTERS.**—(1) In establishing a national intelligence center, the National Intelligence Director shall assign lead responsibility for such center to an element of the intelligence community selected by the Director for that purpose.

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

(3) The Director shall notify Congress of the establishment of a national intelligence center at least 30 days before the date of the establishment of the center.

(c) **DIRECTORS OF CENTERS.**—(1) Each national intelligence center shall have as its head a Director who shall be appointed by the National Intelligence Director for that purpose.

(2) The Director of a national intelligence center shall serve as the principal adviser to the National Intelligence Director on intelligence matters with respect to the area of intelligence responsibility assigned to the center.

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

(A) manage the operations of the center;

(B) coordinate the provision of administration and support by the element of the intelligence community with lead responsibility for the center under subsection (b)(1);

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

(D) seek such assistance from other departments, agencies, and elements of the United States Government as are needed to fulfill the mission of the center; and

(E) advise the National Intelligence Director of the information technology, personnel, and other requirements of the center for the performance of its mission.

(4) The National Intelligence Director shall ensure that the Director of a national intelligence center has sufficient authority, direction, and control over the center to effectively accomplish the mission of the center.

(d) MISSION OF CENTERS.—(1) Each national intelligence center shall provide all-source analysis of intelligence and propose intelligence collection requirements in the area of intelligence responsibility assigned to the center by the National Intelligence Director pursuant to intelligence priorities established by the National Security Council.

(2) Within its area of intelligence responsibility, a national intelligence center shall—

(A) have primary responsibility for strategic analysis of intelligence, fusing all-source intelligence from foreign and domestic sources;

(B) be the principal repository within the United States Government for all-source information;

(C) identify and propose requirements and priorities for intelligence collection;

(D) have primary responsibility within the United States Government for net assessments, where applicable, and warnings;

(E) ensure that appropriate officials of the United States Government and other appropriate individuals have access to a variety of intelligence assessments and analytical views;

(F) provide advice and guidance to the President, the National Security Council, the National Intelligence Director, and the heads of other appropriate departments, agencies, and elements of the United States Government; and

(G) perform such other duties and responsibilities as the National Intelligence Director may prescribe.

(e) INFORMATION SHARING.—(1) The National Intelligence Director shall ensure that the Directors of the national intelligence centers and the other elements of the intelligence community undertake appropriate sharing of intelligence analysis and plans for operations in order to facilitate the activities of the centers.

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

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

(B) coordinate with the Deputy National Intelligence Director regarding such activities.

(f) TERMINATION OF CENTERS.—(1) The National Intelligence Director may terminate a national intelligence center if the National Intelligence Director determines that the center is no longer required to meet an intelligence priority established by the National Security Council.

(2) The National Intelligence Director shall notify Congress of the termination of a national intelligence center at least 30 days before the date of the termination of the center.

(g) STAFF OF CENTERS.—(1) The head of an element of the intelligence community shall assign or detail to a national intelligence center such personnel as the National Intelligence Director considers appropriate to carry out the mission of the center.

(2) Personnel assigned or detailed to a national intelligence center under paragraph (1) shall be under the authority, direction, and control of the Director of the center on all matters for which the center has been assigned responsibility and for all matters related to the accomplishment of the mission of the center.

(3) Performance evaluations of personnel assigned or detailed to a national intelligence center under this subsection shall be undertaken by the supervisors of such personnel at the center.

(4) The supervisors of the staff of a national center may, with the approval of the National Intelligence Director, reward the staff of the center for meritorious performance by the provision of such performance awards as the National Intelligence Director shall prescribe.

(5) The Director of a national intelligence center may recommend to the National Intelligence Director the reassignment to the home element concerned of any personnel previously assigned or detailed to the center from another element of the intelligence community.

(h) SUPPORT.—The element of the intelligence community assigned lead responsibility for a national intelligence center under subsection (b)(1) shall be responsible for the provision of administrative support for the center, including the provision of funds to the center necessary for the administration of the center.

Subtitle D—Additional Authorities of National Intelligence Authority

SEC. 151. USE OF APPROPRIATED FUNDS.

(a) DISPOSAL OF PROPERTY.—(1) If specifically authorized to dispose of real property of the National Intelligence Authority under any law enacted after the date of the enactment of this Act, the National Intelligence Director shall, subject to paragraph (2), exercise such authority in strict compliance with subchapter IV of chapter 5 of title 40, United States Code.

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

(b) GIFTS.—Gifts or donations of services or property of or for the National Intelligence Authority may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

SEC. 152. PROCUREMENT AUTHORITIES.

(a) IN GENERAL.—In the performance of its functions, the National Intelligence Authority may exercise the authorities referred to in section 3(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(a)).

(b) TREATMENT AS HEAD OF AGENCY.—For the purpose of the exercise of any authority referred to in subsection (a) with respect to the National Intelligence Authority, a reference to the head of an agency shall be deemed to be a reference to the National Intelligence Director or the Deputy National Intelligence Director.

(c) DETERMINATION AND DECISIONS.—(1) Any determination or decision to be made under an authority referred to in subsection (a) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

(2) Except as provided in paragraph (3), the National Intelligence Director or the Deputy National Intelligence Director may, in such official's discretion, delegate to any officer or other official of the National Intelligence Authority any authority to make a determination or decision as the head of the agency under an authority referred to in subsection (a).

(3) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the National Intelligence Agency of an authority referred to in subsection (a).

(4) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be

based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the National Intelligence Authority for a period of at least six years following the date of such determination or decision.

SEC. 153. PERSONNEL MATTERS.

(a) IN GENERAL.—In addition to the authorities provided in section 134, the National Intelligence Director may exercise with respect to the personnel of the National Intelligence Authority any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this Act to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

(b) RIGHTS AND PROTECTIONS OF EMPLOYEES AND APPLICANTS.—Employees and applicants for employment of the National Intelligence Authority shall have the same rights and protections under the Authority as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this Act.

SEC. 154. ETHICS MATTERS.

(a) POLITICAL SERVICE OF PERSONNEL.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

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

(2) by inserting after subclause (XIII) the following new subclause:

“(XIV) the National Intelligence Authority; or”.

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

(1) by inserting “(A)” after “(4)”;

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

(3) by adding at the end the following new subparagraph:

“(B) In transmitting such listings for the National Intelligence Authority, the National Intelligence Director may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.”.

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

Subtitle E—Additional Improvements of Intelligence Activities

SEC. 161. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2005—

(1) the aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government; and

(2) the aggregate amount of appropriations requested in the budget of the President for the fiscal year concerned for each element or component of the intelligence community.

(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2005—

(1) the aggregate amount of funds appropriated by Congress for the fiscal year concerned for the intelligence and intelligence-related activities of the United States Government; and

(2) the aggregate amount of funds appropriated by Congress for the fiscal year concerned for each element or component of the intelligence community.

SEC. 162. MERGER OF HOMELAND SECURITY COUNCIL INTO NATIONAL SECURITY COUNCIL.

(a) **MERGER OF HOMELAND SECURITY COUNCIL INTO NATIONAL SECURITY COUNCIL.**—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) in the fourth undesignated paragraph of subsection (a), by striking clauses (5) and (6) and inserting the following new clauses:

“(5) the Attorney General;

“(6) the Secretary of Homeland Security;”;

and

(2) in subsection (b)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(3) assess the objectives, commitments, and risks of the United States in the interests of homeland security and make recommendations to the President based on such assessments;

“(4) oversee and review the homeland security policies of the Federal Government and make recommendations to the President based on such oversight and review; and

“(5) perform such other functions as the President may direct.”.

(c) **REPEAL OF SUPERSEDED AUTHORITY.**—(1) Title IX of the Homeland Security Act of 2002 (6 U.S.C. 491 et seq.) is repealed.

(2) The table of contents for that Act is amended by striking the items relating to title IX.

SEC. 163. REFORM OF CENTRAL INTELLIGENCE AGENCY.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Covert operations tend to be highly tactical and require close attention. The Central Intelligence Agency should retain responsibility for the direction and execution of clandestine and covert operations. The Central Intelligence Agency should also concentrate on building capabilities to carry out such operations and on providing personnel who will be directing and executing such operations in the field.

(2) The reconstitution of the analytic and human intelligence collection capabilities of the Central Intelligence Agency requires the undiverted attention of the head of the Central Intelligence Agency.

(b) **TRANSFORMATION OF CENTRAL INTELLIGENCE AGENCY.**—The Director of the Central Intelligence Agency shall transform the intelligence and intelligence-related capabilities of the Central Intelligence Agency by—

(1) building the human intelligence capabilities of the clandestine service;

(2) building the analytic capabilities of the Agency;

(3) developing a stronger language program;

(4) renewing emphasis on the recruitment of operations officers of diverse background who can blend in more easily in foreign cities;

(5) ensuring a seamless relationship between human source collection and signals collection at the operational level; and

(6) providing for a better balance between unilateral operations and liaison operations.

(c) **RETENTION OF RESPONSIBILITY FOR CLANDESTINE AND COVERT OPERATIONS.**—The Central Intelligence Agency shall retain responsibility for the direction and execution of clandestine and covert operations as authorized by the President or the National Intelligence Director and assigned by a national intelligence center.

SEC. 164. PARAMILITARY OPERATIONS.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Prior to September 11, 2001, the Central Intelligence Agency relied on proxies to conduct paramilitary operations, with unsatisfactory results.

(2) The United States cannot afford to build two separate capabilities for carrying out paramilitary operations, and therefore should concentrate responsibility and necessary legal authority for such operations in one entity.

(3) In conducting future paramilitary operations, Central Intelligence Agency experts should be integrated into military training, exercises, and planning, and lead responsibility for directing and executing paramilitary operations should rest with the Department of Defense.

(b) **SENSE OF CONGRESS ON LEAD RESPONSIBILITY FOR PARAMILITARY OPERATIONS.**—The Secretary of Defense should have lead responsibility for directing and executing paramilitary operations, whether clandestine or covert.

(c) **SENSE OF CONGRESS ON DISCHARGE THROUGH SPECIAL OPERATIONS COMMAND.**—In carrying out the responsibility under subsection (b) the Secretary of Defense should—

(1) assign the Special Operations Command lead responsibility within the Department of Defense for paramilitary operations; and

(2) consolidate responsibility for such operations with the capabilities for training, direction, and execution of such operations.

(d) **SENSE OF CONGRESS ON JOINT PLANNING.**—The Secretary of Defense and the Director of the Central Intelligence Agency should work jointly to plan paramilitary operations.

(e) **PARAMILITARY OPERATIONS DEFINED.**—In this section, the term “paramilitary operations” means operations that, by their tactics and requirements in military-type personnel, equipment, and training, approximate conventional military operations, but that are distinguished from conventional military operations through reliance on light infantry, less capability to carry out sustained combat operations involving heavy weapons and less capability of sustaining long-term logistical support.

SEC. 165. IMPROVEMENT OF INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Federal Bureau of Investigation has made significant progress in improving its intelligence capabilities.

(2) The Federal Bureau of Investigation must fully institutionalize the shift of the Bureau to a preventive counterterrorism posture.

(b) **IMPROVEMENT OF INTELLIGENCE CAPABILITIES.**—The Director of the Federal Bureau of Investigation shall continue efforts to improve the intelligence capabilities of the Bureau and to develop and maintain within the Bureau a national security workforce.

(c) **NATIONAL SECURITY WORKFORCE.**—(1) In developing and maintaining a national security workforce under subsection (b), the Di-

rector of the Federal Bureau of Investigation shall, subject to the direction and control of the President, develop and maintain a specialized and integrated national security workforce consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, and rewarded in a manner which ensures the existence within the Bureau of an institutional culture with substantial expertise in, and commitment to, the intelligence and national security missions of the Bureau.

(2) Each agent employed by the Bureau after the date of the enactment of this Act shall receive basic training in both criminal justice matters and national security matters.

(3) Each agent employed by the Bureau after the date of the enactment of this Act shall, to the maximum extent practicable, be given the opportunity to undergo, during such agent's early service with the Bureau, meaningful assignments in criminal justice matters and in national security matters.

(4) The Director shall—

(A) require agents and analysts of the Bureau to specialize in either criminal justice matters or national security matters; and

(B) in furtherance of the requirement under subparagraph (A) and to the maximum extent practicable, afford agents and analysts of the Bureau the opportunity to work in the specialty selected by such agents and analysts over their entire career with the Bureau.

(5) The Director shall carry out a program to enhance the capacity of the Bureau to recruit and retain individuals with backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence and national security missions of the Bureau.

(6) The Director shall, to the maximum extent practicable, afford the analysts of the Bureau training and career opportunities commensurate with the training and career opportunities afforded analysts in other elements of the intelligence community.

(7) Commencing as soon as practicable after the date of the enactment of this Act, each senior manager of the Bureau shall be a certified intelligence officer.

(8) The Director shall, to the maximum extent practicable, ensure that the successful completion of advanced training courses, and of one or more assignments to another element of the intelligence community, is a precondition to advancement to higher level national security assignments within the Bureau.

(d) **FIELD OFFICE MATTERS.**—(1) In improving the intelligence capabilities of the Federal Bureau of Investigation under subsection (b), the Director of the Federal Bureau of Investigation shall ensure that each field office of the Bureau has an official at the deputy level or higher with responsibility for national security matters.

(2) The Director shall provide for such expansion of the secure facilities in the field offices of the Bureau as is necessary to ensure the discharge by the field offices of the intelligence and national security missions of the Bureau.

(3) The Director shall take appropriate actions to ensure the integration of analysts, agents, linguists, and surveillance personnel in the field.

(e) **BUDGET MATTERS.**—The Director of the Federal Bureau of Investigation shall, in consultation with the Director of the Office of Management and Budget, modify the budget structure of the Federal Bureau of Investigation in order to organize the budget according to the four principal missions of the Bureau as follows:

(1) Intelligence.

(2) Counterterrorism and counterintelligence.

(3) Crime.

(4) Criminal justice services.

(f) REPORTS.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the progress made as of the date of such report in carrying out the requirements of this section.

(B) The report required by subparagraph (A) shall include an estimate of the resources required to complete the expansion of secure facilities to carry out the national security mission of the field offices of the Federal Bureau of Investigation.

(2) The Director shall include in each semi-annual program review of the Bureau that is submitted to Congress a report on the progress made by each field office of the Bureau during the period covered by such review in addressing Bureau and national program priorities.

(3) Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Director shall submit to Congress a report assessing the qualifications, status, and roles of analysts at Bureau headquarters and in the field offices of the Bureau.

(4) Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the Director shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

(5) A report required by this subsection shall be submitted—

(A) to each committee of Congress that has jurisdiction over the subject matter of such report; and

(B) in an unclassified form, but may include a classified annex.

SEC. 166. REPORT ON IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM.

Not later than one year after the date of the enactment of this Act, the National Intelligence Director shall submit to Congress a report on the progress made in the implementation of this title, including the amendments made by this title. The report shall include a comprehensive description of the progress made, and may include such recommendations for additional legislative or administrative action as the Director considers appropriate.

Subtitle F—Conforming and Other Amendments

SEC. 171. RESTATEMENT AND MODIFICATION OF BASIC AUTHORITY OF THE CENTRAL INTELLIGENCE AGENCY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

“CENTRAL INTELLIGENCE AGENCY

“SEC. 102. (a) CENTRAL INTELLIGENCE AGENCY.—There is a Central Intelligence Agency.

“(b) FUNCTION.—The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 103(c).

“DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 103. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The Director of the Central Intelligence Agency also serves as the Deputy National Intelligence Director for Foreign Intelligence under section 114(b) of the National Intelligence Authority Act of 2004 and, in that capacity, has the duties and responsibilities provided for in paragraph (3) of that section.

“(b) DUTIES.—In the capacity as Director of the Central Intelligence Agency, the Director of the Central Intelligence Agency shall—

“(1) carry out the responsibilities specified in subsection (c); and

“(2) serve as the head of the Central Intelligence Agency.

“(c) RESPONSIBILITIES.—The Director of the Central Intelligence Agency shall—

“(1) collect intelligence through human sources and by other appropriate means, except that the Director of the Central Intelligence Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

“(2) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

“(3) perform such additional services as are of common concern to the elements of the intelligence community, which services the National Intelligence Director determines can be more efficiently accomplished centrally; and

“(4) perform such other functions and duties related to intelligence affecting the national security as the President, the National Security Council, or the National Intelligence Director may direct.

“(d) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—(1) Notwithstanding the provisions of any other law, the Director of the Central Intelligence Agency may, in the discretion of the Director, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director considers the termination of employment of such officer or employee necessary or advisable in the interests of the United States.

“(2) Any termination of employment of an officer or employee under paragraph (1) shall not affect the right of the officer or employee to seek or accept employment in any other department, agency, or element of the United States Government if declared eligible for such employment by the Office of Personnel Management.”

SEC. 172. CONFORMING AMENDMENTS RELATING TO ROLES OF NATIONAL INTELLIGENCE DIRECTOR AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) NATIONAL SECURITY ACT OF 1947.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “National Intelligence Director”:

(A) Section 3(5)(B) (50 U.S.C. 401a(5)(B)).

(B) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(C) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(D) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).

(E) Section 101(j) (50 U.S.C. 402(j)).

(F) Section 105(a) (50 U.S.C. 403–5(a)).

(G) Section 105(b)(6)(A) (50 U.S.C. 403–5(b)(6)(A)).

(H) Section 105B(a)(1) (50 U.S.C. 403–5b(a)(1)).

(I) Section 105B(b) (50 U.S.C. 403–5b(b)), the first place it appears.

(J) Section 110(b) (50 U.S.C. 404e(b)).

(K) Section 110(c) (50 U.S.C. 404e(c)).

(L) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

(M) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

(N) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).

(O) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

(P) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

(R) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

(S) Section 115(b) (50 U.S.C. 404j(b)).

(T) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).

(U) Section 116(a) (50 U.S.C. 404k(a)).

(V) Section 117(a)(1) (50 U.S.C. 404i(a)(1)).

(W) Section 303(a) (50 U.S.C. 405(a)), both places it appears.

(X) Section 501(d) (50 U.S.C. 413(d)).

(Y) Section 502(a) (50 U.S.C. 413a(a)).

(Z) Section 502(c) (50 U.S.C. 413a(c)).

(AA) Section 503(b) (50 U.S.C. 413b(b)).

(BB) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).

(CC) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(DD) Section 506A(a)(1) (50 U.S.C. 415a–1(a)(1)).

(EE) Section 603(a) (50 U.S.C. 423(a)).

(FF) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

(GG) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).

(HH) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both places it appears.

(II) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

(JJ) Section 703(a)(6)(B)(viii) (50 U.S.C. 432a(a)(6)(B)(viii)).

(KK) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both places it appears.

(LL) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).

(MM) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).

(NN) Section 704(g)(1) (50 U.S.C. 432b(g)(1)), both places it appears.

(OO) Section 1001(a) (50 U.S.C. 441g(a)).

(PP) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).

(QQ) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).

(RR) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).

(SS) Section 1102(d) (50 U.S.C. 442a(d)).

(2) That Act is further amended by striking “of Central Intelligence” each place it appears in the following provisions:

(A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(B) Section 105B(a)(2) (50 U.S.C. 403–5b(a)(2)).

(C) Section 105B(b) (50 U.S.C. 403–5b(b)), the second place it appears.

(3) That Act is further amended by striking “Director” each place it appears in the following provisions and inserting “National Intelligence Director”:

(A) Section 114(c) (50 U.S.C. 404i(c)).

(B) Section 116(b) (50 U.S.C. 404k(b)).

(C) Section 1001(b) (50 U.S.C. 441g(b)).

(C) Section 1001(c) (50 U.S.C. 441g(c)), the first place it appears.

(D) Section 1001(d)(1)(B) (50 U.S.C. 441g(d)(1)(B)).

(E) Section 1001(e) (50 U.S.C. 441g(e)), the first place it appears.

(4) Section 114A of that Act (50 U.S.C. 404i–1) is amended by striking “Director of Central Intelligence” and inserting “National Intelligence Director, the Director of the Central Intelligence Agency”

(5) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2)) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

(6) Section 701 of that Act (50 U.S.C. 431) is amended—

(A) in subsection (a), by striking “Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence” and inserting “The Director of the Central Intelligence Agency, with the coordination of the National Intelligence Director, may exempt operational files of the Central Intelligence Agency”; and

(B) in subsection (g)(1), by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency and the National Intelligence Director”.

(7) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

“ADDITIONAL ANNUAL REPORTS FROM THE NATIONAL INTELLIGENCE DIRECTOR”.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended

by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “National Intelligence Director”:

(A) Section 6 (50 U.S.C. 403g).

(B) Section 17(f) (50 U.S.C. 403q(f)), both places it appears.

(2) That Act is further amended by striking “of Central Intelligence” in each of the following provisions:

(A) Section 2 (50 U.S.C. 403b).

(B) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

(C) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

(D) Section 20(c) (50 U.S.C. 403t(c)).

(3) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of the Central Intelligence Agency”:

(A) Section 14(b) (50 U.S.C. 403n(b)).

(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.

(D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

(E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Central Intelligence Agency.”.

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

“(1) the term ‘Director’ means the Director of the Central Intelligence Agency.”.

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking “Director of Central Intelligence” each place it appears and inserting “National Intelligence Director”.

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information Procedures Act (5 U.S.C. App.) is amended by striking “Director of Central Intelligence” and inserting “National Intelligence Director”.

(g) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 103-359.—Section 811(c)(6)(C) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103-359) is amended by striking “Director of Central Intelligence” and inserting “National Intelligence Director”.

(2) PUBLIC LAW 107-306.—(A) The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) is amended by striking “Director of Central Intelligence, acting as the head of the intelligence community,” each place it appears in the following provisions and inserting “National Intelligence Director”:

(i) Section 313(a) (50 U.S.C. 404n(a)).

(ii) Section 343(a)(1) (50 U.S.C. 404n-2(a)(1)).

(B) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “National Intelligence Director”:

(i) Section 902(a)(2) (50 U.S.C. 402b(a)(2)).

(ii) Section 904(e)(4) (50 U.S.C. 402c(e)(4)).

(iii) Section 904(e)(5) (50 U.S.C. 402c(e)(5)).

(iv) Section 904(h) (50 U.S.C. 402c(h)), each place it appears.

(v) Section 904(m) (50 U.S.C. 402c(m)).

(C) Section 341 of that Act (50 U.S.C. 404n-1) is amended by striking “Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency” and insert-

ing “National Intelligence Director shall establish within the Central Intelligence Agency”.

(D) Section 352(b) of that Act (50 U.S.C. 404-3 note) is amended by striking “Director” and inserting “National Intelligence Director”.

(3) PUBLIC LAW 108-177.—(A) The Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “National Intelligence Director”:

(i) Section 317(a) (50 U.S.C. 403-3 note).

(ii) Section 317(h)(1).

(iii) Section 318(a) (50 U.S.C. 441g note).

(iv) Section 319(b) (50 U.S.C. 403 note).

(v) Section 341(b) (28 U.S.C. 519 note).

(vi) Section 357(a) (50 U.S.C. 403 note).

(vii) Section 504(a) (117 Stat. 2634), both places it appears.

(B) Section 319(f)(2) of that Act (50 U.S.C. 403 note) is amended by striking “Director” the first place it appears and inserting “National Intelligence Director”.

(C) Section 404 of that Act (18 U.S.C. 4124 note) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

SEC. 173. OTHER CONFORMING AMENDMENTS

(a) NATIONAL SECURITY ACT OF 1947.—(1) Section 101(j) of the National Security Act of 1947 (50 U.S.C. 402(j)) is amended by striking “Deputy Director of Central Intelligence” and inserting “Deputy National Intelligence Director”.

(2) Section 112(d)(1) of that Act (50 U.S.C. 404g(d)(1)) is amended by striking “section 103(c)(6) of this Act” and inserting “section 132(a)(9) of the National Intelligence Authority Act of 2004”.

(3) Section 116(b) of that Act (50 U.S.C. 404k(b)) is amended by striking “to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency, the Director may delegate such authority to the Deputy Director for Operations” and inserting “to the Deputy National Intelligence Director, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency”.

(4) Section 506A(b)(1) of that Act (50 U.S.C. 415a-1(b)(1)) is amended by striking “Office of the Deputy Director of Central Intelligence” and inserting “Office of the National Intelligence Director”.

(5) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking “Office of the Director of Central Intelligence” and inserting “Office of the National Intelligence Director”.

(6) Section 1001(b) of that Act (50 U.S.C. 441g(b)) is amended by striking “Assistant Director of Central Intelligence for Administration” and inserting “Office of the National Intelligence Director”.

(b) CENTRAL INTELLIGENCE ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking “section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))” and inserting “section 132(a)(9) of the National Intelligence Authority Act of 2004”.

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking “paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c)) that the Director of Central Intelligence” and inserting “section 132(a)(9) of the National Intelligence Authority Act of 2004 that the National Intelligence Director”.

(d) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 107-306.—(A) Section 343(c) of the Intelligence Authorization Act for Fiscal

Year 2003 (Public Law 107-306; 50 U.S.C. 404n-2(c)) is amended by striking “section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))” and inserting “section 132(a)(9) of the National Intelligence Authority Act of 2004”.

(B) Section 904 of that Act (50 U.S.C. 402c) is amended—

(i) in subsection (c), by striking “Office of the Director of Central Intelligence” and inserting “Office of the National Intelligence Director”; and

(ii) in subsection (1), by striking “Office of the Director of Central Intelligence” and inserting “Office of the National Intelligence Director”.

(2) PUBLIC LAW 108-177.—Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403-3 note) is amended—

(A) in subsection (g), by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Deputy National Intelligence Director”; and

(B) in subsection (h)(2)(C), by striking “Assistant Director” and inserting “Deputy National Intelligence Director”.

SEC. 174. ELEMENTS OF INTELLIGENCE COMMUNITY UNDER NATIONAL SECURITY ACT OF 1947.

Paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

“(4) The term ‘intelligence community’ includes the following:

“(A) The National Intelligence Authority.

“(B) The Central Intelligence Agency.

“(C) The National Security Agency.

“(D) The Defense Intelligence Agency.

“(E) The National Geospatial-Intelligence Agency.

“(F) The National Reconnaissance Office.

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

“(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

“(I) The Bureau of Intelligence and Research of the Department of State.

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

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

“(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the National Intelligence Director and the head of the department or agency concerned, as an element of the intelligence community.”.

SEC. 175. REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM AS NATIONAL INTELLIGENCE PROGRAM.

(a) REDESIGNATION.—Paragraph (6) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

“(6) The term ‘National Intelligence Program’—

“(A)(i) refers to all national intelligence programs, projects, and activities of the elements of the intelligence community; and

“(ii) includes all programs, projects, and activities (whether or not pertaining to national intelligence) of the National Intelligence Authority, the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the Office of Intelligence of the Federal Bureau of Investigation, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security; but

“(B) does not refer—

“(i) to any program, project, or activity pertaining solely to the requirements of a single department, agency, or element of the United States Government; or

“(ii) to any program, project, or activity of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by the United States Armed Forces.”.

(b) CONFORMING AMENDMENTS.—(1) The National Security Act of 1947, as amended by this Act, is further amended by striking “National Foreign Intelligence Program” each place it appears in the following provisions and inserting “National Intelligence Program”:

(A) Section 105(a)(2) (50 U.S.C. 403–5(a)(2)).

(B) Section 105(a)(3) (50 U.S.C. 403–5(a)(3)).

(C) Section 506(a) (50 U.S.C. 415a(a)).

(2) Section 17(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(f)) is amended by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”.

(c) HEADING AMENDMENTS.—(1) The heading of section 105 of that Act is amended by striking “FOREIGN”.

(2) The heading of section 506 of that Act is amended by striking “FOREIGN”.

SEC. 176. REPEAL OF SUPERSEDED AUTHORITIES.

(a) APPOINTMENT OF CERTAIN INTELLIGENCE OFFICIALS.—Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is repealed.

(b) COLLECTION TASKING AUTHORITY.—Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is repealed.

SEC. 177. CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

The table of contents for the National Security Act of 1947 is amended—

(1) by striking the items relating to sections 102 through 104 and inserting the following new items:

“Sec. 102. Central Intelligence Agency.

“Sec. 103. Director of the Central Intelligence Agency.”;

(2) by striking the item relating to section 105 and inserting the following new item:

“Sec 105. Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.”;

(3) by striking the item relating to section 114 and inserting the following new item:

“Sec. 114. Additional annual reports from the National Intelligence Director.”;

and

(4) by striking the item relating to section 506 and inserting the following new item:

“Sec. 506. Specificity of National Intelligence Program budget amounts for counterterrorism, counterproliferation, counter-narcotics, and counterintelligence”.

SEC. 178. CONFORMING AMENDMENTS RELATING TO DUAL SERVICE OF CERTAIN OFFICIALS AS DEPUTY NATIONAL INTELLIGENCE DIRECTORS.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(1) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(2) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

“(2) ‘Director’ means the Director of the Central Intelligence Agency; and”.

(b) UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.—Section 137 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: “The appoint-

ment of an individual as Under Secretary is subject to the provisions of section 135(c) of the National Intelligence Authority Act of 2004.”; and

(2) in subsection (b)—

(A) by inserting “(1)” after “(a)”;

(B) by adding at the end the following new paragraph:

“(2) In addition to the duties and powers provided for under paragraph (1), the Under Secretary of Defense for Intelligence also serves as Deputy National Intelligence Director for Defense Intelligence under section 114(c) of the National Intelligence Authority Act of 2004, and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.”.

(c) UNDER SECRETARY OF HOMELAND SECURITY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201(a) of the Homeland Security Act of 2002 (6 U.S.C. 201(a)) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: “The appointment of an individual as Under Secretary is subject to the provisions of section 135(c) of the National Intelligence Authority Act of 2004.”; and

(2) by adding at the end the following new paragraph:

“(3) CONCURRENT SERVICE AS DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR HOMELAND INTELLIGENCE.—Upon the election of the National Intelligence Director, the Under Secretary also serves as the Deputy National Intelligence Director for Homeland Intelligence under section 114(d) of the National Intelligence Authority Act of 2004, and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.”.

(d) EXECUTIVE ASSISTANT DIRECTOR FOR INTELLIGENCE OF FBI.—Upon the election of the National Intelligence Director, the Executive Assistant Director for Intelligence of the Federal Bureau of Investigation also serves as the Deputy National Intelligence Director for Homeland Intelligence under section 114(d), and, in that capacity, has the duties and responsibilities set forth in paragraph (3) of such section.

SEC. 179. CONFORMING AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.

Section 8H(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new subparagraph:

“(D) An employee of the National Intelligence Authority, or of a contractor of the Authority, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General of the National Intelligence Authority in accordance with section 131(h)(5) of the National Intelligence Authority Act of 2004.”.

Subtitle G—Other Matters

SEC. 181. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—There shall be transferred to the Office of the National Intelligence Director the staff of the Community Management Staff as of the date of the enactment of this Act, including all functions and activities discharged by the Community Management Staff as of that date.

(b) ADMINISTRATION.—The National Intelligence Director shall administer the Community Management Staff after the date of the enactment of this Act as a component of the Office of the National Intelligence Director under section 113(d)(2).

SEC. 182. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—There shall be transferred to the National Counterterrorism Center the Terrorist Threat Integration Center (TTIC),

including all functions and activities discharged by the Terrorist Threat Integration Center as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The Director of the National Counterterrorism Center shall administer the Terrorist Threat Integration Center after the date of the enactment of this Act as a component of the Directorate of Intelligence of the National Counterterrorism Center under section 141(f)(2).

SEC. 183. TERMINATION OF POSITIONS OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

(a) TERMINATION.—The positions within the Central Intelligence Agency referred to in subsection (b) are hereby abolished.

(b) COVERED POSITIONS.—The positions within the Central Intelligence Agency referred to in this subsection are as follows:

(1) The Assistant Director of Central Intelligence for Collection.

(2) The Assistant Director of Central Intelligence for Analysis and Production.

(3) The Assistant Director of Central Intelligence for Administration.

SEC. 184. TERMINATION OF JOINT MILITARY INTELLIGENCE PROGRAM.

Effective as of October 1, 2005, the Joint Military Intelligence Program is abolished.

SEC. 185. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item: “National Intelligence Director.”.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new items:

“Deputy National Intelligence Director.

“Director of the National Counterterrorism Center.”.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the Assistant Directors of Central Intelligence.

SEC. 186. PRESERVATION OF INTELLIGENCE CAPABILITIES.

The National Intelligence Director, the Director of the Central Intelligence Agency, and the Secretary of Defense shall jointly take such actions as are appropriate to preserve the intelligence capabilities of the United States during the establishment of the National Intelligence Authority under this title.

SEC. 187. GENERAL REFERENCES.

(a) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF INTELLIGENCE COMMUNITY.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the National Intelligence Director.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CIA.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) COMMUNITY MANAGEMENT STAFF.—Any reference to the Community Management Staff in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of the Office of the National Intelligence Director.

TITLE II—INFORMATION SHARING

SEC. 201. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

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

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

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

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

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

(D) information relating to groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(b) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The effective use of information, from all available sources, is essential to the fight against terror and the protection of our homeland. The biggest impediment to all-source analysis, and to a greater likelihood of “connecting the dots”, is resistance to sharing information.

(2) The United States Government has access to a vast amount of information, including not only traditional intelligence but also other government databases, such as those containing customs or immigration information. But the United States Government has a weak system for processing and using the information it has.

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

(4) Current security requirements nurture overclassification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks, including criminal, civil, and administrative sanctions, but few rewards for sharing information.

(5) The current system, in which each intelligence agency has its own security practices, requires a demonstrated “need to know” before sharing. This approach assumes that it is possible to know, in advance, who will need to use the information. An outgrowth of the cold war, such a system implicitly assumes that the risk of inadvertent disclosure outweighs the benefits of wider sharing. Such assumptions are no longer appropriate. Although counterintelligence concerns are still real, the costs of not sharing information are also substantial. The current “need-to-know” culture of information protection needs to be replaced with a “need-to-share” culture of integration.

(6) A new approach to the sharing of terrorism information is urgently needed. An important conceptual model for a new “trusted information network” is the Systemwide Homeland Analysis and Resource Exchange (SHARE) Network proposed by a task force of leading professionals assembled by the Markle Foundation and described in reports issued in October 2002 and December 2003.

(7) No single agency can create a meaningful information sharing system on its own. Alone, each agency can only modernize stovepipes, not replace them. Presidential

leadership is required to bring about governmentwide change.

(c) **INFORMATION SHARING NETWORK.**—

(1) **ESTABLISHMENT.**—The President shall establish an information sharing network to promote the sharing of terrorism information, in a manner consistent with national security and the protection of privacy and civil liberties.

(2) **ATTRIBUTES.**—The Network shall promote coordination, communication and collaboration of people and information among all relevant Federal departments and agencies, State, tribal, and local authorities, and relevant private sector entities, including owners and operators of critical infrastructure, by using policy guidelines and technologies that support—

(A) a decentralized, distributed, and coordinated environment that connects existing systems where appropriate and allows users to share information horizontally across agencies, vertically between levels of government, and, as appropriate, with the private sector;

(B) building on existing systems capabilities at relevant agencies;

(C) utilizing industry best practices, including minimizing the centralization of data and seeking to use common tools and capabilities whenever possible;

(D) employing an information rights management approach that controls access to data rather than to whole networks;

(E) facilitating the sharing of information at and across all levels of security by using policy guidelines and technologies that support writing information that can be broadly shared;

(F) providing directory services for locating people and information;

(G) incorporating protections for individuals' privacy and civil liberties;

(H) incorporating mechanisms for information security; and

(I) access controls, authentication and authorization, audits, and other strong mechanisms for information security and privacy guideline enforcement across all levels of security, in order to enhance accountability and facilitate oversight.

(d) **IMMEDIATE STEPS.**—Not later than 90 days after the date of enactment of this Act, the President, through the Director of Management and Budget and in consultation with the National Intelligence Director, the Attorney General, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and such other Federal officials as the President shall designate, shall—

(1) establish electronic directory services to assist in locating in the Federal Government terrorism information and people with relevant knowledge about terrorism information; and

(2) conduct a review of relevant current Federal agency capabilities, including a baseline inventory of current Federal systems that contain terrorism information, the money currently spent to maintain those systems, and identification of other information that should be included in the Network.

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

(1) in consultation with the National Intelligence Director and the Advisory Council on Information Sharing established in subsection (g), issue guidelines for acquiring, accessing, sharing, and using terrorism information, including guidelines to ensure such information is provided in its most shareable form, such as by separating out data from the sources and methods by which they are obtained;

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

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

(B) shall be made public, unless, and only to the extent that, nondisclosure is clearly necessary to protect national security;

(3) establish objective, systemwide performance measures to enable the assessment of progress toward achieving full implementation of the Network; and

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

(A) reducing disincentives to information sharing, including overclassification of information and unnecessary requirements for originator approval; and

(B) providing affirmative incentives for information sharing, such as the incorporation of information sharing performance measures into agency and managerial evaluations, and employee awards for promoting innovative information sharing practices.

(f) **SYSTEM DESIGN AND IMPLEMENTATION PLAN.**—Not later than 270 days after the date of enactment of this Act, the President shall submit to Congress a system design and implementation plan for the Network. The plan shall be prepared by the President through the Director of Management and Budget and in consultation with the National Intelligence Director, the Attorney General, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, and such other Federal officials as the President shall designate, and shall include—

(1) a description of the parameters of the proposed Network, including functions, capabilities, and resources;

(2) a description of the technological, legal, and policy issues presented by the creation of the Network described in subsection (c), and the ways in which these issues will be addressed;

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

(i) identification of any agency that will build the infrastructure needed to operate and manage the Network (as distinct from the individual agency components that are to be part of the Network); and

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

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

(i) be consistent with the authority of the National Intelligence Director, under this Act, to set standards for information sharing and information technology throughout the intelligence community; and

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

(4) a description of the technological requirements to appropriately link and enhance existing networks and a description of the system design that will meet these requirements;

(5) a plan, including a time line, for the development and phased implementation of the Network;

(6) total budget requirements to develop and implement the Network, including the estimated annual cost for each of the 5 years following the date of enactment of this Act; and

(7) proposals for any legislation that the President believes necessary to implement the Network.

(g) **ADVISORY COUNCIL ON INFORMATION SHARING.**—

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

(2) **MEMBERSHIP.**—No more than 25 individuals may serve as members of the Council, which shall include—

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

(B) the Secretary of Homeland Security;

(C) the Secretary of Defense;

(D) the Attorney General;

(E) the Secretary of State;

(F) the Director of the Central Intelligence Agency;

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

(H) the Director of Management and Budget;

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

(J) representatives of State, tribal, and local governments, to be appointed by the President;

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

(L) individuals who are employed in private businesses or nonprofit organizations that own or operate critical infrastructure, to be appointed by the President.

(3) **RESPONSIBILITIES.**—The Council shall—

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

(B) ensure that there is coordination among participants in the Network in the development and implementation of the Network;

(C) review, on an ongoing basis, policy, legal and technology issues related to the implementation of the Network; and

(D) establish a dispute resolution process to resolve disagreements among departments and agencies about whether particular terrorism information should be shared and in what manner.

(4) **INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Council shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) **INFORMING THE PUBLIC.**—The Council shall hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

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

(A) a description of the activities and accomplishments of the Council in the preceding year; and

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

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

(1) a progress report on the extent to which the Network has been implemented, including how the Network has fared on the governmentwide and agency-specific performance measures and whether the performance goals set in the preceding year have been met;

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

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

(4) actions taken to ensure that agencies procure new technology that is consistent with the Network and information on whether new systems and technology are consistent with the Network;

(5) the extent to which, in appropriate circumstances, all terrorism watch lists are available for combined searching in real time through the Network and whether there are consistent standards for placing individuals on, and removing individuals from, the watch lists, including the availability of processes for correcting errors;

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

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

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

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

(A) are participating in the Network;

(B) have systems which have become integrated into the Network;

(C) are providing as well as receiving information; and

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

(10) the extent to which—

(A) private sector data, including information from owners and operators of critical infrastructure, is incorporated in the Network; and

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

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

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

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

(12) the measures taken by the Federal Government to ensure the accuracy of other information on the Network and, in particular, the accuracy of information about individuals;

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

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

(i) **AGENCY PLANS AND REPORTS.**—Each Federal department or agency that possesses or uses terrorism information or that otherwise participates, or expects to participate, in the Network, shall submit to the Director of Management and Budget and to Congress—

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

(A) a strategic plan for implementation of the Network's requirements within the department or agency;

(B) objective performance measures to assess the progress and adequacy of the department's or agency's information sharing efforts; and

(C) budgetary requirements to integrate the department or agency into the Network, including projected annual expenditures for each of the following 5 years following the submission of the reports; and

(2) annually thereafter, reports including—

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

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

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

(j) **PERIODIC ASSESSMENTS.**—

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

(2) **INSPECTORS GENERAL.**—The Inspector General in any Federal department or agency that possesses or uses terrorism information or that otherwise participates in the Network shall, at the discretion of the Inspector General—

(A) conduct audits or investigations to—

(i) determine the compliance of that department or agency with the Network's requirements; and

(ii) assess the effectiveness of that department or agency in improving information sharing and collaboration and in protecting privacy and civil liberties; and

(B) issue reports on such audits and investigations.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated—

(1) \$50,000,000 to the Director of Management and Budget to carry out this section for fiscal year 2005; and

(2) such sums as are necessary to carry out this section in each fiscal year thereafter, to be disbursed and allocated in accordance with the Network system design and implementation plan required by subsection (f).

TITLE III—CONGRESSIONAL REFORM

SEC. 301. FINDINGS.

Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The American people are not served well by current congressional rules and resolutions governing intelligence and homeland security oversight.

(2) A unified Executive Branch effort on fighting terrorism will not be effective unless it is matched by a unified effort in Congress, specifically a strong, stable, and capable congressional committee structure to give the intelligence agencies and Department of Homeland Security sound oversight, support, and leadership.

(3) The intelligence committees of the Senate and the House of Representatives are not organized to provide strong leadership and oversight for intelligence and counterterrorism.

(4) Jurisdiction over the Department of Homeland Security, which is scattered among many committees in each chamber, does not allow for the clear authority and responsibility needed for effective congressional oversight.

(5) Congress should either create a new, joint Senate-House intelligence authorizing committee modeled on the former Joint

Committee on Atomic Energy, or establish new intelligence committees in each chamber with combined authorization and appropriations authority.

(6) Congress should establish a single, principal point of oversight and review in each chamber for the Department of Homeland Security and the report of the National Commission on Terrorist Attacks Upon the United States stated that "Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties."

(7) In August 2004, the joint Senate leadership created a bipartisan working group to examine how best to implement the Commission's recommendations with respect to reform of the Senate's oversight of intelligence and homeland security, and directed the working group to begin its work immediately and to present its findings and recommendations to Senate leadership as expeditiously as possible.

SEC. 302. REORGANIZATION OF CONGRESSIONAL JURISDICTION.

The 108th Congress shall not adjourn until each House of Congress has adopted the necessary changes to its rules such that, effective the start of the 109th Congress—

(1) jurisdiction over proposed legislation, messages, petitions, memorials, and other matters relating to the Department of Homeland Security shall be consolidated in a single committee in each House and such committee shall have a nonpartisan staff; and

(2) jurisdiction over proposed legislation, messages, petitions, memorials, and other matters related to intelligence shall reside in—

(A) either a joint Senate-House authorizing committee modeled on the former Joint Committee on Atomic Energy, or a committee in each chamber with combined authorization and appropriations authority; and

(B) regardless of which committee structure is selected, the intelligence committee or committees shall have—

(i) not more than 9 members in each House, who shall serve without term limits and of which at least 1 each shall also serve on a committee on Armed Services, Judiciary, and Foreign Affairs and at least 1 on a Defense Appropriations subcommittee;

(ii) authority to issue subpoenas;

(iii) majority party representation that does not exceed minority party representation by more than 1 member in each House, and a nonpartisan staff; and

(iv) a subcommittee devoted solely to oversight.

TITLE IV—PRESIDENTIAL TRANSITION

SEC. 401. PRESIDENTIAL TRANSITION.

(a) SERVICES PROVIDED PRESIDENT-ELECT.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by adding after subsection (a)(8)(A)(iv) the following:

"(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code."

(2) by redesignating subsection (f) as subsection (g); and

(3) by adding after subsection (e) the following:

"(f)(1) The President-elect should submit to the agency designated by the President

under section 401(d) of the 9/11 Commission Report Implementation Act of 2004 the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

"(2) The Federal Bureau of Investigation, and any other appropriate agency, shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President."

(b) SENSE OF THE SENATE REGARDING EXPEDITED CONSIDERATION OF NATIONAL SECURITY NOMINEES.—It is the sense of the Senate that—

(1) the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President; and

(2) for all national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

(c) SECURITY CLEARANCES FOR TRANSITION TEAM MEMBERS.—

(1) DEFINITION.—In this section, the term "major party" shall have the meaning given under section 9002(6) of the Internal Revenue Code of 1986.

(2) IN GENERAL.—Each major party candidate for President, except a candidate who is the incumbent President, may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect's transition team.

(3) COMPLETION DATE.—Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

(d) CONSOLIDATION OF RESPONSIBILITY FOR PERSONNEL SECURITY INVESTIGATIONS.—

(1) CONSOLIDATION.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the President shall select a single Federal agency to provide and maintain all security clearances for Federal employees and Federal contractor personnel who require access to classified information, including conducting all investigation functions.

(B) CONSIDERATIONS.—In selecting an agency under this paragraph, the President shall fully consider requiring the transfer of investigation functions to the Office of Personnel Management as described under section 906 of the National Defense Authorization Act for Fiscal Year 2004 (5 U.S.C. 1101 note).

(C) COORDINATION AND CONSOLIDATION OF RESPONSIBILITIES.—The Federal agency selected under this paragraph shall—

(i) take all necessary actions to carry out the responsibilities under this subsection, including entering into a memorandum of understanding with any agency carrying out such responsibilities before the date of enactment of this Act; and

(ii) identify any legislative actions necessary to further implement this subsection.

(D) DATABASE.—The agency selected shall, as soon as practicable, establish and maintain a single database for tracking security clearance applications, investigations and eligibility determinations and ensure that security clearance investigations are conducted according to uniform standards, including uniform security questionnaires and financial disclosure requirements.

(E) POLYGRAPHS.—The President shall direct the agency selected under this paragraph to administer any polygraph examinations on behalf of agencies that require them.

(2) ACCESS.—The President, acting through the National Intelligence Director, shall—

(A) establish uniform standards and procedures for the grant of access to classified information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies and departments;

(B) ensure the consistent implementation of those standards and procedures throughout such agencies and departments; and

(C) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by such elements.

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

SEC. 501. REPORT ON TERRORIST SANCTUARIES.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Complex terrorist operations require locations that provide such operations sanctuary from interference by government or law enforcement personnel.

(2) A terrorist sanctuary existed in Afghanistan before September 11, 2001.

(3) The terrorist sanctuary in Afghanistan provided direct and indirect value to members of al Qaeda who participated in the terrorist attacks on the United States on September 11, 2001 and in other terrorist operations.

(4) Terrorist organizations have fled to some of the least governed and most lawless places in the world to find sanctuary.

(5) During the twenty-first century, terrorists are focusing on remote regions and failing states as locations to seek sanctuary.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should identify and prioritize locations that are or that could be used as terrorist sanctuaries;

(2) the United States Government should have a realistic strategy that includes the use of all elements of national power to keep possible terrorists from using a location as a sanctuary; and

(3) the United States Government should reach out, listen to, and work with countries in bilateral and multilateral fora to prevent locations from becoming sanctuaries and to prevent terrorists from using locations as sanctuaries.

(c) STRATEGY ON TERRORIST SANCTUARIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that describes a strategy for addressing and, where possible, eliminating terrorist sanctuaries.

(2) CONTENT.—The report required under this section shall include the following:

(A) A description of actual and potential terrorist sanctuaries, together with an assessment of the priorities of addressing and eliminating such sanctuaries.

(B) An outline of strategies for disrupting or eliminating the security provided to terrorists by such sanctuaries.

(C) A description of efforts by the United States Government to work with other countries in bilateral and multilateral fora to address or eliminate actual or potential terrorist sanctuaries and disrupt or eliminate the security provided to terrorists by such sanctuaries.

(D) A description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries, such as supporting and strengthening host governments, reducing poverty, increasing economic development, strengthening civil society, securing borders, strengthening internal security forces, and disrupting logistics and communications networks of terrorist groups.

SEC. 502. ROLE OF PAKISTAN IN COUNTERING TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The Government of Pakistan has a critical role to perform in the struggle against Islamist terrorism.

(2) The endemic poverty, widespread corruption, and frequent ineffectiveness of government in Pakistan create opportunities for Islamist recruitment.

(3) The poor quality of education in Pakistan is particularly worrying, as millions of families send their children to madrassahs, some of which have been used as incubators for violent extremism.

(4) The vast unpoliced regions in Pakistan make the country attractive to extremists seeking refuge and recruits and also provide a base for operations against coalition forces in Afghanistan.

(5) A stable Pakistan, with a government advocating “enlightened moderation” in the Muslim world, is critical to stability in the region.

(6) There is a widespread belief among the people of Pakistan that the United States has long treated them as allies of convenience.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should make a long-term commitment to assisting in ensuring a promising, stable, and secure future in Pakistan, as long as its leaders remain committed to combatting extremists and implementing a strategy of “enlightened moderation”;

(2) the United States aid to Pakistan should be fulsome and, at a minimum, sustained at the fiscal year 2004 levels;

(3) the United States should support the Government of Pakistan with a comprehensive effort that extends from military aid to support for better education; and

(4) the United States Government should devote particular attention and resources to assisting in the improvement of the quality of education in Pakistan.

(c) REPORT ON SUPPORT FOR PAKISTAN.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the United States Government to support Pakistan and encourage moderation in that country.

(2) CONTENT.—The report required under this section shall include the following:

(A) An examination of the desirability of establishing a Pakistan Education Fund to direct resources toward improving the quality of secondary schools in Pakistan.

(B) Recommendations on the funding necessary to provide various levels of educational support.

(C) An examination of the current composition and levels of United States military aid to Pakistan, together with any recommendations for changes in such levels and composition that the President considers appropriate.

(D) An examination of other major types of United States financial support to Pakistan, together with any recommendations for changes in the levels and composition of such support that the President considers appropriate.

SEC. 503. AID TO AFGHANISTAN.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The United States and its allies in the international community have made progress in promoting economic and political reform within Afghanistan, including the establishment of a central government with a democratic constitution, a new currency, and a new army, the increase of personal freedom, and the elevation of the standard of living of many Afghans.

(2) A number of significant obstacles must be overcome if Afghanistan is to become a secure and prosperous democracy, and such a transition depends in particular upon—

(A) improving security throughout the country;

(B) disarming and demobilizing militias;

(C) curtailing the rule of the warlords;

(D) promoting equitable economic development;

(E) protecting the human rights of the people of Afghanistan;

(F) holding elections for public office; and

(G) ending the cultivation and trafficking of narcotics.

(3) The United States and the international community must make a long-term commitment to addressing the deteriorating security situation in Afghanistan and the burgeoning narcotics trade, endemic poverty, and other serious problems in Afghanistan in order to prevent that country from relapsing into a sanctuary for international terrorism.

(b) POLICY.—It shall be the policy of the United States to take the following actions with respect to Afghanistan:

(1) Working with other nations to obtain long-term security, political, and financial commitments and fulfillment of pledges to the Government of Afghanistan to accomplish the objectives of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.), especially to ensure a secure, democratic, and prosperous Afghanistan that respects the rights of its citizens and is free of international terrorist organizations.

(2) Using the voice and vote of the United States in relevant international organizations, including the North Atlantic Treaty Organization and the United Nations Security Council, to strengthen international commitments to assist the Government of Afghanistan in enhancing security, building national police and military forces, increasing counter-narcotics efforts, and expanding infrastructure and public services throughout the country.

(3) Taking appropriate steps to increase the assistance provided under programs of the Department of State and the United States Agency for International Development throughout Afghanistan and to increase the number of personnel of those agencies in Afghanistan as necessary to support the increased assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISCAL YEAR 2005.—There are authorized to be appropriated to the President for fiscal year 2005 for assistance for Afghanistan, in addition to any amounts otherwise available for the following purposes, the following amounts:

(A) For Development Assistance to carry out the provisions of sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d), \$400,000,000.

(B) For the Child Survival and Health Program Fund to carry out the provisions of section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b), \$100,000,000.

(C) For the Economic Support Fund to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), \$550,000,000.

(D) For International Narcotics and Law Enforcement to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), \$360,000,000.

(E) For Nonproliferation, Anti-Terrorism, Demining, and Related Programs, \$50,000,000.

(F) For International Military Education and Training to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347), \$2,000,000.

(G) For Foreign Military Financing Program grants to carry out the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763), \$880,000,000.

(H) For Peacekeeping Operations to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), \$60,000,000.

(2) FISCAL YEARS 2006 THROUGH 2009.—There are authorized to be appropriated to the President for each of fiscal years 2006 through 2009 such sums as may be necessary for financial and other assistance to Afghanistan.

(3) CONDITIONS FOR ASSISTANCE.—Assistance provided by the President under this subsection—

(A) shall be consistent with the Afghanistan Freedom Support Act of 2002; and

(B) shall be provided with reference to the “Securing Afghanistan’s Future” document published by the Government of Afghanistan.

(d) SENSE OF CONGRESS.—It is the sense of Congress that Congress should, in consultation with the President, update and revise, as appropriate, the Afghanistan Freedom Support Act of 2002.

(e) STRATEGY AND SUPPORT REGARDING UNITED STATES AID TO AFGHANISTAN.—

(1) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a 5-year strategy for providing aid to Afghanistan.

(2) CONTENT.—The strategy required under paragraph (1) shall describe the resources that will be needed during the next 5 years to achieve specific objectives in Afghanistan, including in the following areas:

(A) Fostering economic development.

(B) Curtailing the cultivation of opium.

(C) Achieving internal security and stability.

(D) Eliminating terrorist sanctuaries.

(E) Increasing governmental capabilities.

(F) Improving essential infrastructure and public services.

(G) Improving public health services.

(H) Establishing a broad-based educational system.

(I) Promoting democracy and the rule of law.

(J) Building national police and military forces.

(3) UPDATES.—Beginning not later than 1 year after the strategy is submitted to Congress under paragraph (1), the President shall submit to Congress an annual report—

(A) updating the progress made toward achieving the goals outlined in the strategy under this subsection; and

(B) identifying shortfalls in meeting those goals and the resources needed to fully achieve them.

SEC. 504. THE UNITED STATES-SAUDI ARABIA RELATIONSHIP.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Despite a long history of friendly relations with the United States, Saudi Arabia has been a problematic ally in combating Islamic extremism.

(2) Cooperation between the Governments of the United States and Saudi Arabia has traditionally been carried out in private.

(3) The Government of Saudi Arabia has not always responded promptly and fully to United States requests for assistance in the global war on Islamist terrorism.

(4) Counterterrorism cooperation between the Governments of the United States and Saudi Arabia has improved significantly since the terrorist bombing attacks in Riyadh, Saudi Arabia, on May 12, 2003.

(5) The Government of Saudi Arabia is now aggressively pursuing al Qaeda and appears to be acting to build a domestic consensus for some internal reforms.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the problems in the relationship between the United States and Saudi Arabia must be confronted openly, and the opportunities for cooperation between the countries must be pursued openly by those governments;

(2) both governments must build a relationship that they can publicly defend and that is based on other national interests in addition to their national interests in oil;

(3) this relationship should include a shared commitment to political and economic reform in Saudi Arabia; and

(4) this relationship should also include a shared interest in greater tolerance and respect for other cultures in Saudi Arabia and a commitment to fight the violent extremists who foment hatred in the Middle East.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a strategy for expanding collaboration with the Government of Saudi Arabia on subjects of mutual interest and of importance to the United States.

(2) SCOPE.—As part of this strategy, the President shall consider the utility of undertaking a periodic, formal, and visible high-level dialogue between senior United States Government officials of cabinet level or higher rank and their counterparts in the Government of Saudi Arabia to address challenges in the relationship between the 2 governments and to identify areas and mechanisms for cooperation.

(3) CONTENT.—The strategy under this subsection shall encompass—

(A) intelligence and security cooperation in the fight against Islamist terrorism;

(B) ways to advance the Middle East peace process;

(C) political and economic reform in Saudi Arabia and throughout the Middle East; and

(D) the promotion of greater tolerance and respect for cultural and religious diversity in Saudi Arabia and throughout the Middle East.

SEC. 505. EFFORTS TO COMBAT ISLAMIC TERRORISM BY ENGAGING IN THE STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While support for the United States has plummeted in the Islamic world, many negative views are uninformed, at best, and, at worst, are informed by coarse stereotypes and caricatures.

(2) Local newspapers in Islamic countries and influential broadcasters who reach Islamic audiences through satellite television often reinforce the idea that the people and Government of the United States are anti-Muslim.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the United States should offer an example of moral leadership in the world that includes a commitment to treat all people humanely, abide by the rule of law, and be generous and caring to the people and governments of other countries;

(2) the United States should cooperate with governments of Islamic countries to foster agreement on respect for human dignity and opportunity, and to offer a vision of a better future that includes stressing life over death, individual educational and economic opportunity, widespread political participation, contempt for indiscriminate violence, respect for the rule of law, openness in discussing differences, and tolerance for opposing points of view;

(3) the United States should encourage reform, freedom, democracy, and opportunity for Arabs and Muslims and promote moderation in the Islamic world; and

(4) the United States should work to defeat extremist ideology in the Islamic world by providing assistance to moderate Arabs and Muslims to combat extremist ideas.

(c) REPORT ON THE STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report that contains a cohesive long-term strategy for the United States Government to help win the struggle of ideas in the Islamic world.

(2) CONTENT.—The report required under this section shall include the following:

(A) A description of specific goals related to winning this struggle of ideas.

(B) A description of the range of tools available to the United States Government to accomplish these goals and the manner in which such tools will be employed.

(C) A list of benchmarks for measuring success and a plan for linking resources to the accomplishment of these goals.

(D) A description of any additional resources that may be necessary to help win this struggle of ideas.

(E) Any recommendations for the creation of, and United States participation in, international institutions for the promotion of democracy and economic diversification in the Islamic world, and intra-regional trade in the Middle East.

(F) An estimate of the level of United States financial assistance that would be sufficient to convince United States allies and people in the Islamic world that engaging in the struggle of ideas in the Islamic world is a top priority of the United States and that the United States intends to make a substantial and sustained commitment toward winning this struggle.

SEC. 506. UNITED STATES POLICY TOWARD DICTATORSHIPS.

(a) FINDING.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that short-term gains enjoyed by the United States through cooperation with the world's most repressive and brutal governments are too often outweighed by long-term setbacks for the stature and interests of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States foreign policy should promote the value of life and the importance of individual educational and economic opportunity, encourage widespread political par-

ticipation, condemn indiscriminate violence, and promote respect for the rule of law, openness in discussing differences among people, and tolerance for opposing points of view; and

(2) the United States Government must prevail upon the governments of all predominantly Muslim countries, including those that are friends and allies of the United States, to condemn indiscriminate violence, promote the value of life, respect and promote the principles of individual education and economic opportunity, encourage widespread political participation, and promote the rule of law, openness in discussing differences among people, and tolerance for opposing points of view.

SEC. 507. PROMOTION OF UNITED STATES VALUES THROUGH BROADCAST MEDIA.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Although the United States has demonstrated and promoted its values in defending Muslims against tyrants and criminals in Somalia, Bosnia, Kosovo, Afghanistan, and Iraq, this message is not always clearly presented in the Islamic world.

(2) If the United States does not act to vigorously define its message in the Islamic world, the image of the United States will be defined by Islamic extremists who seek to demonize the United States.

(3) Recognizing that many Arab and Muslim audiences rely on satellite television and radio, the United States Government has launched promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States must do more to defend and promote its values and ideals to the broadest possible audience in the Islamic world;

(2) United States efforts to defend and promote these values and ideals are beginning to ensure that accurate expressions of these values reach large audiences in the Islamic world and should be robustly supported;

(3) the United States Government could and should do more to engage the Muslim world in the struggle of ideas; and

(4) the United States Government should more intensively employ existing broadcast media in the Islamic world as part of this engagement.

(c) REPORT ON OUTREACH STRATEGY.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the strategy of the United States Government for expanding its outreach to foreign Muslim audiences through broadcast media.

(2) CONTENT.—The report shall include the following:

(A) The initiatives of the Broadcasting Board of Governors and the public diplomacy activities of the Department of State with respect to outreach to foreign Muslim audiences.

(B) An outline of recommended actions that the United States Government should take to more regularly and comprehensively present a United States point of view through indigenous broadcast media in countries with sizable Muslim populations, including increasing appearances by United States Government officials, experts, and citizens.

(C) An assessment of potential incentives for, and costs associated with, encouraging United States broadcasters to dub or subtitle into Arabic and other relevant languages their news and public affairs programs broadcast in the Muslim world in order to

present those programs to a much broader Muslim audience than is currently reached.

(D) Any recommendations the President may have for additional funding and legislation necessary to achieve the objectives of the strategy.

(d) **AUTHORIZATIONS OF APPROPRIATIONS.**—There are authorized to be appropriated to the President to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6501 et seq.), and to carry out other activities under this section consistent with the purposes of such Acts, the following amounts:

(1) **INTERNATIONAL BROADCASTING OPERATIONS.**—For International Broadcasting Operations—

(A) \$717,160,000 for fiscal year 2005; and

(B) such sums as may be necessary for each of the fiscal years 2006 through 2009.

(2) **BROADCASTING CAPITAL IMPROVEMENTS.**—For Broadcasting Capital Improvements—

(A) \$11,040,000 for fiscal year 2005; and

(B) such sums as may be necessary for each of the fiscal years 2006 through 2009.

SEC. 508. USE OF UNITED STATES SCHOLARSHIP AND EXCHANGE PROGRAMS IN THE ISLAMIC WORLD.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Exchange, scholarship, and library programs are effective ways for the United States Government to promote internationally the values and ideals of the United States.

(2) Exchange, scholarship, and library programs can expose young people from other countries to United States values and offer them knowledge and hope.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should expand its exchange, scholarship, and library programs, especially those that benefit people in the Arab and Muslim worlds.

(c) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE COUNTRY.**—The term “eligible country” means a country or entity in Africa, the Middle East, Central Asia, South Asia, or Southeast Asia that—

(A) has a sizable Muslim population; and

(B) is designated by the Secretary of State as eligible to participate in programs under this section.

(2) **SECRETARY.**—Except as otherwise specifically provided, the term “Secretary” means the Secretary of State.

(3) **UNITED STATES ENTITY.**—The term “United States entity” means an entity that is organized under the laws of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, or any other territory or possession of the United States.

(4) **UNITED STATES SPONSORING ORGANIZATION.**—The term “United States sponsoring organization” means a nongovernmental organization that is—

(A) based in the United States; and

(B) controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by subsection (e).

(d) **EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.**—

(1) **PURPOSE.**—The purpose of this subsection is to provide for the expansion of international educational and cultural exchange programs between the United States and eligible countries.

(2) **SPECIFIC PROGRAMS.**—In carrying out this subsection, the Secretary is authorized to conduct or initiate programs in eligible countries as follows:

(A) **FULBRIGHT EXCHANGE PROGRAM.**—

(i) **INCREASED NUMBER OF AWARDS.**—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program.

(ii) **INTERNATIONAL SUPPORT FOR FULBRIGHT PROGRAM.**—The Secretary shall work to increase support for the J. William Fulbright Educational Exchange Program in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(B) **HUBERT H. HUMPHREY FELLOWSHIPS.**—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(C) **SISTER INSTITUTIONS PROGRAMS.**—The Secretary is authorized to facilitate the establishment of sister institution programs between cities and municipalities and other institutions in the United States and in eligible countries in order to enhance mutual understanding at the community level.

(D) **LIBRARY TRAINING EXCHANGES.**—The Secretary is authorized to develop a demonstration program, including training in the library sciences, to assist governments in eligible countries to establish or upgrade the public library systems of such countries for the purpose of improving literacy.

(E) **INTERNATIONAL VISITORS PROGRAM.**—The Secretary is authorized to expand the number of participants from eligible countries in the International Visitors Program.

(F) **YOUTH AMBASSADORS.**—

(i) **IN GENERAL.**—The Secretary is authorized to establish a youth ambassadors program for visits by middle and secondary school students from eligible countries to the United States to participate in activities, including cultural and educational activities, that are designed to familiarize participating students with United States society and values.

(ii) **VISITS.**—The visits of students who are participating in the youth ambassador program under clause (i) shall be scheduled during the school holidays in the home countries of the students and may not exceed 4 weeks.

(iii) **CRITERIA.**—Students selected to participate in the youth ambassador program shall reflect the economic and geographic diversity of eligible countries.

(G) **EDUCATION REFORM.**—The Secretary is authorized—

(i) to expand programs that seek to improve the quality of primary and secondary school systems in eligible countries; and

(ii) in order to foster understanding of the United States, to promote civic education through teacher exchanges, teacher training, textbook modernization, and other efforts.

(H) **PROMOTION OF RELIGIOUS FREEDOM.**—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(I) **BRIDGING THE DIGITAL DIVIDE.**—The Secretary is authorized to establish a program to help foster access to information technology among underserved populations and by civil society groups in eligible countries.

(J) **PEOPLE-TO-PEOPLE DIPLOMACY.**—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries through cultural, arts, entertainment, sports and other exchanges.

(K) **COLLEGE SCHOLARSHIPS.**—

(i) **IN GENERAL.**—The Secretary is authorized to establish a program to offer scholar-

ships to permit individuals to attend eligible colleges and universities.

(ii) **ELIGIBILITY FOR PROGRAM.**—To be eligible for the scholarship program, an individual shall be a citizen or resident of an eligible country who has graduated from a secondary school in an eligible country.

(iii) **ELIGIBLE COLLEGE OR UNIVERSITY DEFINED.**—In this subparagraph, the term “eligible college or university” means a college or university that is organized under the laws of the United States, a State, or the District of Columbia, accredited by an accrediting agency recognized by the Secretary of Education, and primarily located in, but not controlled by, an eligible country.

(L) **LANGUAGE TRAINING PROGRAM.**—The Secretary is authorized to provide travel and subsistence funding for students who are United States citizens to travel to eligible countries to participate in immersion training programs in languages used in such countries and to develop regulations governing the provision of such funding.

(e) **SECONDARY SCHOOL EXCHANGE PROGRAM.**—

(1) **IN GENERAL.**—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program established under the FREEDOM Support Act (22 U.S.C. 5801 et seq.), for eligible students to—

(A) attend public secondary school in the United States;

(B) live with a host family in the United States; and

(C) participate in activities designed to promote a greater understanding of United States and Islamic values and culture.

(2) **ELIGIBLE STUDENT DEFINED.**—In this subsection, the term “eligible student” means an individual who—

(A) is a national of an eligible country;

(B) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

(C) is enrolled in a secondary school in an eligible country;

(D) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(E) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(F) has not previously participated in an exchange program in the United States sponsored by the Government of the United States; and

(G) is not prohibited from entering the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or any other provision of law related to immigration and nationality.

(3) **COMPLIANCE WITH VISA REQUIREMENTS.**—An eligible student may not participate in the exchange visitor program authorized by paragraph (1) unless the eligible student has the status of nonimmigrant under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(4) **BROAD PARTICIPATION.**—Whenever appropriate, the Secretary shall make special provisions to ensure the broadest possible participation in the exchange visitor program authorized by paragraph (1), particularly among females and less advantaged citizens of eligible countries.

(5) **DESIGNATED EXCHANGE VISITOR PROGRAM.**—The exchange visitor program authorized by paragraph (1) shall be a designated exchange visitor program for the purposes of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(6) **REGULAR REPORTING TO THE SECRETARY.**—If the Secretary utilizes a United States sponsoring organization to carry out

the exchange visitor program authorized by paragraph (1), such United States sponsoring organization shall report regularly to the Secretary on the progress it has made to implement such program.

(f) **REPORT ON EXPEDITING VISAS FOR PARTICIPANTS IN EXCHANGE, SCHOLARSHIP, AND VISITORS PROGRAMS.**—

(1) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Secretary of Homeland Security shall submit to Congress a report on expediting the issuance of visas to individuals who are entering the United States for the purpose of participating in a scholarship, exchange, or visitor program authorized in subsection (d) or (e) without compromising the security of the United States.

(2) **RECOMMENDATIONS.**—The report required by paragraph (1) shall include—

(A) the recommendations of the Secretary and the Secretary of Homeland Security, if any, for methods to expedite the processing of requests for such visas; and

(B) a proposed schedule for implementing any recommendations described in subparagraph (A).

(g) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated for educational and cultural exchange programs for fiscal year 2005, there is authorized to be appropriated to the Department of State \$60,000,000 to carry out programs under this section.

SEC. 509. INTERNATIONAL YOUTH OPPORTUNITY FUND.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism.

(2) Education in the Middle East about the world outside that region is weak.

(3) The United Nations has rightly equated literacy with freedom.

(4) The international community is moving toward setting a concrete goal of reducing by half the illiteracy rate in the Middle East by 2010, through the implementation of education programs targeting women and girls and programs for adult literacy, and by other means.

(5) To be effective, the effort to improve education in the Middle East must also include—

(A) support for the provision of basic education tools, such as textbooks that translate more of the world's knowledge into local languages and local libraries to house such materials; and

(B) more vocational education in trades and business skills.

(6) The Middle East can benefit from some of the same programs to bridge the digital divide that already have been developed for other regions of the world.

(b) **INTERNATIONAL YOUTH OPPORTUNITY FUND.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—The President shall establish an International Youth Opportunity Fund (hereafter in this section referred to as the "Fund").

(B) **INTERNATIONAL PARTICIPATION.**—The President shall seek the cooperation of the international community in establishing and generously supporting the Fund.

(2) **PURPOSE.**—The purpose of the Fund shall be to provide financial assistance for the improvement of public education in the Middle East, including assistance for the construction and operation of primary and secondary schools in countries that have a sizable Muslim population and that commit

to sensibly investing their own financial resources in public education.

(3) **ELIGIBILITY FOR ASSISTANCE.**—

(A) **DETERMINATION.**—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall determine which countries are eligible for assistance through the Fund.

(B) **CRITERIA.**—In determining whether a country is eligible for assistance, the Secretary shall consider whether the government of that country is sensibly investing financial resources in public education and is committed to promoting a system of education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs.

(4) **USE OF FUNDS.**—Financial assistance provided through the Fund shall be used for expanding literacy programs, providing textbooks, reducing the digital divide, expanding vocational and business education, constructing and operating public schools, establishing local libraries, training teachers in modern education techniques, and promoting public education that teaches tolerance, the dignity and value of each individual, and respect for different beliefs.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly prepare and submit to Congress a report on the improvement of education in the Middle East.

(2) **CONTENT.**—Reports submitted under this subsection shall include the following:

(A) A general strategy for working with eligible host governments in the Middle East toward establishing the International Youth Opportunity Fund and related programs.

(B) A listing of countries that are eligible for assistance under such programs.

(C) A description of the specific programs initiated in each eligible country and the amount expended in support of such programs.

(D) A description of activities undertaken to close the digital divide and expand vocational and business skills in eligible countries.

(E) A listing of activities that could be undertaken if additional funding were provided and the amount of funding that would be necessary to carry out such activities.

(F) A strategy for garnering programmatic and financial support from international organizations and other countries in support of the Fund and activities related to the improvement of public education in eligible countries.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the President for the establishment of the International Youth Opportunity Fund, in addition to any amounts otherwise available for such purpose, \$40,000,000 for fiscal year 2005 and such sums as may be necessary for fiscal years 2006 through 2009.

SEC. 510. REPORT ON THE USE OF ECONOMIC POLICIES TO COMBAT TERRORISM.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While terrorism is not caused by poverty, breeding grounds for terrorism are created by backward economic policies and repressive political regimes.

(2) Policies that support economic development and reform also have political implications, as economic and political liberties are often linked.

(3) The United States is working toward creating a Middle East Free Trade Area by

2013 and implementing a free trade agreement with Bahrain, and free trade agreements exist between the United States and Israel and the United States and Jordan.

(4) Existing and proposed free trade agreements between the United States and Islamic countries are drawing interest from other countries in the Middle East region, and Islamic countries can become full participants in the rules-based global trading system, as the United States considers lowering its barriers to trade with the poorest Arab countries.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) a comprehensive United States strategy to counter terrorism should include economic policies that encourage development, open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future;

(2) 1 element of such a strategy should encompass the lowering of trade barriers with the poorest countries that have a significant population of Arab or Muslim individuals;

(3) another element of such a strategy should encompass United States efforts to promote economic reform in countries that have a significant population of Arab or Muslim individuals, including efforts to integrate such countries into the global trading system; and

(4) given the importance of the rule of law in promoting economic development and attracting investment, the United States should devote an increased proportion of its assistance to countries in the Middle East to the promotion of the rule of law.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the United States Government to encourage development and promote economic reform in countries that have a significant population of Arab or Muslim individuals.

(2) **CONTENT.**—The report required under this subsection shall describe—

(A) efforts to integrate countries with significant populations of Arab or Muslim individuals into the global trading system; and

(B) actions that the United States Government, acting alone and in partnership with other governments in the Middle East, can take to promote intra-regional trade and the rule of law in the region.

SEC. 511. MIDDLE EAST PARTNERSHIP INITIATIVE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal year 2005 \$200,000,000 for the Middle East Partnership Initiative.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, given the importance of the rule of law and economic reform to development in the Middle East, a significant portion of the funds authorized to be appropriated under subsection (a) should be made available to promote the rule of law in the Middle East.

SEC. 512. COMPREHENSIVE COALITION STRATEGY FOR FIGHTING TERRORISM.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Almost every aspect of the counterterrorism strategy of the United States relies on international cooperation.

(2) Since September 11, 2001, the number and scope of United States Government contacts with foreign governments concerning counterterrorism have expanded significantly, but such contacts have often been ad hoc and not integrated as a comprehensive and unified approach.

(b) INTERNATIONAL CONTACT GROUP ON COUNTERTERRORISM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President—

(A) should seek to engage the leaders of the governments of other countries in a process of advancing beyond separate and uncoordinated national counterterrorism strategies to develop with those other governments a comprehensive coalition strategy to fight Islamist terrorism; and

(B) to that end, should seek to establish an international counterterrorism policy contact group with the leaders of governments providing leadership in global counterterrorism efforts and governments of countries with sizable Muslim populations, to be used as a ready and flexible international means for discussing and coordinating the development of important counterterrorism policies by the participating governments.

(2) AUTHORITY.—The President is authorized to establish an international counterterrorism policy contact group with the leaders of governments referred to in paragraph (1) for purposes as follows:

(A) To develop in common with such other countries important policies and a strategy that address the various components of international prosecution of the war on terrorism, including policies and a strategy that address military issues, law enforcement, the collection, analysis, and dissemination of intelligence, issues relating to interdiction of travel by terrorists, counterterrorism-related customs issues, financial issues, and issues relating to terrorist sanctuaries.

(B) To address, to the extent (if any) that the President and leaders of other participating governments determine appropriate, such long-term issues as economic and political reforms that can contribute to strengthening stability and security in the Middle East.

SEC. 513. DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that is adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(b) DEFINITIONS.—In this section:

(1) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—The term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(2) GENEVA CONVENTIONS.—The term “Geneva Conventions” means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(3) PRISONER.—The term “prisoner” means a foreign individual captured, detained, interned, or otherwise held in the custody of the United States.

(4) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(5) TORTURE.—The term “torture” has the meaning given that term in section 2340 of title 18, United States Code.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should engage countries that are participating in the coalition to fight terrorism to develop a common approach toward the detention and humane treatment of captured international terrorists; and

(2) an approach toward the detention and humane treatment of captured international terrorists developed by the countries participating in the coalition to fight terrorism could draw upon Article 3 of the Convention Relative to the Treatment of Prisoners of War, the principles of which are commonly accepted as minimum basic standards for humane treatment of captured individuals.

(d) POLICY.—It is the policy of the United States—

(1) to treat any prisoner humanely and in accordance with standards that the Government of the United States would determine to be consistent with international law if such standards were applied to personnel of the United States captured by an enemy in the war on terrorism;

(2) if there is any doubt as to whether a prisoner is entitled to the protections afforded by the Geneva Conventions, to provide the prisoner such protections until the status of the prisoner is determined under the procedures authorized by paragraph 1-6 of Army Regulation 190-8 (1997); and

(3) to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of such prisoners.

(e) PROHIBITION ON TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No prisoner shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) RELATIONSHIP TO GENEVA CONVENTIONS.—Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(f) RULES, REGULATIONS, AND GUIDELINES.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (e)(1) by the members of the Armed Forces of the United States and by any person providing services to the Department of Defense on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(g) REPORT ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary shall submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding any investigation of a possible violation of the prohibition in subsection (e)(1) by a member of the Armed Forces of the United States or by a person providing services to the Department of Defense on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual involved in, or responsible for, a violation of the prohibition in subsection (e)(1).

(h) REPORT ON A COALITION APPROACH TOWARD THE DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report describing the efforts of the United States Government to develop an approach toward the detention and humane treatment of captured international terrorists that will be adhered to by all countries that are members of the coalition against terrorism.

SEC. 514. PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Al Qaeda has tried to acquire or make weapons of mass destruction since 1994 or earlier.

(2) The United States doubtless would be a prime target for use of any such weapon by al Qaeda.

(3) Although the United States Government has redoubled its international commitments to supporting the programs for Cooperative Threat Reduction and other nonproliferation assistance programs, nonproliferation experts continue to express deep concern about the United States Government's commitment and approach to securing the weapons of mass destruction and related highly dangerous materials that are still scattered among Russia and other countries of the former Soviet Union.

(4) The cost of increased investment in the prevention of proliferation of weapons of mass destruction and related dangerous materials is greatly outweighed by the potentially catastrophic cost to the United States of use of weapons of mass destruction or related dangerous materials by the terrorists who are so eager to acquire them.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) maximum effort to prevent the proliferation of weapons of mass destruction, wherever such proliferation may occur, is warranted; and

(2) the programs of the United States Government to prevent or counter the proliferation of weapons of mass destruction, including the Proliferation Security Initiative, the programs for Cooperative Threat Reduction, and other nonproliferation assistance programs, should be expanded, improved, and better funded to address the global dimensions of the proliferation threat.

(c) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress—

(1) a strategy for expanding and strengthening the Proliferation Security Initiative, the programs for Cooperative Threat Reduction, and other nonproliferation assistance programs; and

(2) an estimate of the funding necessary to execute that strategy.

(d) REPORT ON REFORMING THE COOPERATIVE THREAT REDUCTION PROGRAM AND OTHER NON-PROLIFERATION ASSISTANCE PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating whether the United States could more effectively address the global threat of nuclear proliferation by—

(1) establishing a central coordinator for the programs for Cooperative Threat Reduction;

(2) eliminating the requirement that the President spend no more than \$50,000,000 annually on programs for Cooperative Threat Reduction and other non-proliferation assistance programs carried out outside the former Soviet Union; or

(3) repealing the provisions of the Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) that place conditions on assistance to the former Soviet Union unrelated to bilateral cooperation on weapons dismantlement.

SEC. 515. FINANCING OF TERRORISM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) While efforts to designate and freeze the assets of terrorist financiers have been relatively unsuccessful, efforts to target the relatively small number of al Qaeda financial facilitators have been valuable and successful.

(2) The death or capture of several important financial facilitators has decreased the amount of money available to al Qaeda, and has made it more difficult for al Qaeda to raise and move money.

(3) The capture of al Qaeda financial facilitators has provided a windfall of intelligence that can be used to continue the cycle of disruption.

(4) The United States Government has rightly recognized that information about terrorist money helps in understanding terror networks, searching them out, and disrupting their operations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the primary weapon in the effort to stop terrorist financing should be the targeting of terrorist financial facilitators by intelligence and law enforcement agencies; and

(2) efforts to track terrorist financing must be paramount in United States counter-terrorism efforts.

(c) REPORT ON TERRORIST FINANCING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report evaluating the effectiveness of United States efforts to curtail the international financing of terrorism.

(2) CONTENTS.—The report required by paragraph (1) shall evaluate and make recommendations on—

(A) the effectiveness of efforts and methods to track terrorist financing;

(B) ways to improve international governmental cooperation in this effort;

(C) ways to improve performance of financial institutions in this effort;

(D) the adequacy of agency coordination in this effort and ways to improve that coordination; and

(E) recommendations for changes in law and additional resources required to improve this effort.

TITLE VI—TERRORIST TRAVEL AND EFFECTIVE SCREENING

SEC. 601. COUNTERTERRORIST TRAVEL INTELLIGENCE.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Travel documents are as important to terrorists as weapons since terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack sites.

(2) International travel is dangerous for terrorists because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points.

(3) Terrorists use evasive, but detectable, methods to travel, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud.

(4) Before September 11, 2001, no Federal agency systematically analyzed terrorist travel strategies. If an agency had done so, the agency could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically, but detectably, exploiting weaknesses in our border security since the early 1990s.

(5) Many of the hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept some of the hijackers and a more effective use of information available in Government databases could have identified some of the hijackers.

(6) The routine operations of our immigration laws and the aspects of those laws not specifically aimed at protecting against terrorism inevitably shaped al Qaeda's planning and opportunities.

(7) New insights into terrorist travel gained since September 11, 2001, have not been adequately integrated into the front lines of border security.

(8) The small classified terrorist travel intelligence collection and analysis program currently in place has produced useful results and should be expanded.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress unclassified and classified versions of a strategy for combining terrorist travel intelligence, operations, and law enforcement into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility domestically and internationally. The report to Congress should include a description of the actions taken to implement the strategy.

(2) ACCOUNTABILITY.—The strategy submitted under paragraph (1) shall—

(A) describe a program for collecting, analyzing, disseminating, and utilizing information and intelligence regarding terrorist travel tactics and methods; and

(B) outline which Federal intelligence, diplomatic, and law enforcement agencies will be held accountable for implementing each element of the strategy.

(3) COORDINATION.—The strategy shall be developed in coordination with all relevant Federal agencies, including—

(A) the National Counterterrorism Center;

(B) the Department of Transportation;

(C) the Department of State;

(D) the Department of the Treasury;

(E) the Department of Justice;

(F) the Department of Defense;

(G) the Federal Bureau of Investigation;

(H) the Drug Enforcement Agency; and

(I) the agencies that comprise the intelligence community.

(4) CONTENTS.—The strategy shall address—

(A) the intelligence and law enforcement collection, analysis, operations, and reporting required to identify and disrupt terrorist travel practices and trends, and the terrorist travel facilitators, document forgers, human

smugglers, travel agencies, and corrupt border and transportation officials who assist terrorists;

(B) the initial and ongoing training and training materials required by consular, border, and immigration officials to effectively detect and disrupt terrorist travel described under subsection (c)(3);

(C) the new procedures required and actions to be taken to integrate existing counterterrorist travel and mobility intelligence into border security processes, including consular, port of entry, border patrol, maritime, immigration benefits, and related law enforcement activities;

(D) the actions required to integrate current terrorist mobility intelligence into military force protection measures;

(E) the additional assistance to be given to the interagency Human Smuggling and Trafficking Center for purposes of combatting terrorist travel, including further developing and expanding enforcement and operational capabilities that address terrorist travel;

(F) the additional resources to be given to the Directorate of Information and Analysis and Infrastructure Protection to aid in the sharing of information between the frontline border agencies of the Department of Homeland Security and classified and unclassified sources of counterterrorist travel intelligence and information elsewhere in the Federal Government, including the Human Smuggling and Trafficking Center;

(G) the development and implementation of procedures to enable the Human Smuggling and Trafficking Center to timely receive terrorist travel intelligence and documentation obtained at consulates and ports of entry, and by law enforcement officers and military personnel;

(H) the use of foreign and technical assistance to advance border security measures and law enforcement operations against terrorist travel facilitators;

(I) the development of a program to provide each consular, port of entry, and immigration benefits office with a counterterrorist travel expert trained and authorized to use the relevant authentication technologies and cleared to access all appropriate immigration, law enforcement, and intelligence databases;

(J) the feasibility of digitally transmitting passport information to a central cadre of specialists until such time as experts described under subparagraph (I) are available at consular, port of entry, and immigration benefits offices; and

(K) granting consular officers the security clearances necessary to access law enforcement sensitive databases.

(c) FRONTLINE COUNTERTERRORIST TRAVEL TECHNOLOGY AND TRAINING.—

(1) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit to Congress a plan describing how the Department of Homeland Security and the Department of State can acquire and deploy, to all consulates, ports of entry, and immigration benefits offices, technologies that facilitate document authentication and the detection of potential terrorist indicators on travel documents.

(2) CONTENTS OF PLAN.—The plan submitted under paragraph (1) shall—

(A) outline the timetable needed to acquire and deploy the authentication technologies;

(B) identify the resources required to—

(i) fully disseminate these technologies; and

(ii) train personnel on use of these technologies; and

(C) address the feasibility of using these technologies to screen every passport submitted for identification purposes to a United States consular, border, or immigration official.

(3) TRAINING PROGRAM.—

(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall develop and implement an initial and annual training program for consular, border, and immigration officials to teach such officials how to effectively detect and disrupt terrorist travel. The Secretary may assist State, local, and tribal governments, and private industry, in establishing training programs related to terrorist travel intelligence.

(B) TRAINING TOPICS.—The training developed under this paragraph shall include training in—

- (i) methods for identifying fraudulent documents;
- (ii) detecting terrorist indicators on travel documents;
- (iii) recognizing travel patterns, tactics, and behaviors exhibited by terrorists;
- (iv) the use of information contained in available databases and data systems and procedures to maintain the accuracy and integrity of such systems; and
- (v) other topics determined necessary by the Secretary of Homeland Security and the Secretary of State.

(C) CERTIFICATION.—Not later than 1 year after the date of enactment of this Act—

(i) the Secretary of Homeland Security shall certify to Congress that all border and immigration officials have received training under this paragraph; and

(ii) the Secretary of State shall certify to Congress that all consular officers have received training under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out the provisions of this subsection.

(d) ENHANCING CLASSIFIED COUNTERTERRORIST TRAVEL EFFORTS.—

(1) IN GENERAL.—The National Intelligence Director shall significantly increase resources and personnel to the small classified program that collects and analyzes intelligence on terrorist travel.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this subsection.

SEC. 602. INTEGRATED SCREENING SYSTEM.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a plan for a comprehensive integrated screening system.

(b) DESIGN.—The system planned under subsection (a) shall be designed to—

(1) encompass an integrated network of screening points that includes the Nation's border security system, transportation system, and critical infrastructure or facilities that the Secretary determines need to be protected against terrorist attack;

(2) build upon existing border enforcement and security activities, and to the extent practicable, private sector security initiatives, in a manner that will enable the utilization of a range of security check points in a continuous and consistent manner throughout the Nation's screening system;

(3) allow access to government databases to detect terrorists; and

(4) utilize biometric identifiers that the Secretary determines to be appropriate and feasible.

(c) STANDARDS FOR SCREENING PROCEDURES.—

(1) AUTHORIZATION.—The Secretary may promulgate standards for screening procedures for—

(A) entering and leaving the United States;

(B) accessing Federal facilities that the Secretary determines need to be protected against terrorist attack;

(C) accessing critical infrastructure that the Secretary determines need to be protected against terrorist attack; and

(D) accessing modes of transportation that the Secretary determines need to be protected against terrorist attack.

(2) SCOPE.—Standards prescribed under this subsection may address a range of factors, including technologies required to be used in screening and requirements for secure identification.

(3) REQUIREMENTS.—In promulgating standards for screening procedures, the Secretary shall—

(A) consider and incorporate appropriate civil liberties and privacy protections;

(B) comply with the Administrative Procedure Act; and

(C) consult with other Federal, State, local, and tribal governments, and other interested parties, as appropriate.

(4) LIMITATION.—This section does not confer to the Secretary new statutory authority, or alter existing authorities, over systems, critical infrastructure, and facilities.

(5) NOTIFICATION.—If the Secretary determines that additional regulatory authority is needed to fully implement the plan for an integrated screening system, the Secretary shall immediately notify Congress.

(d) COMPLIANCE.—The Secretary may issue regulations to ensure compliance with the standards promulgated under this section.

(e) CONSULTATION.—For those systems, critical infrastructure, and facilities that the Secretary determines need to be protected against terrorist attack, the Secretary shall consult with other Federal agencies, State, local, and tribal governments, and the private sector to ensure the development of consistent standards and consistent implementation of the integrated screening system.

(f) BIOMETRIC IDENTIFIERS.—In carrying out this section, the Secretary shall continue to review biometric technologies and existing Federal and State programs using biometric identifiers. Such review shall consider the accuracy rate of available technologies.

(g) IMPLEMENTATION.—

(1) PHASE I.—The Secretary shall—

(A) issue standards for driver's licenses, personal identification cards, and birth certificates, as required under section 606;

(B) develop plans for, and begin implementation of, a single program for registered travelers to expedite travel across the border, as required under section 603(e);

(C) continue the implementation of a biometric exit and entry data system that links to relevant databases and data systems, as required by subsections (b) and (c) of section 603 and other existing authorities;

(D) centralize the "no-fly" and "automatic-selectee" lists, making use of improved terrorists watch lists, as required by section 703;

(E) develop plans, in consultation with other relevant agencies, for the sharing of terrorist information with trusted governments, as required by section 605;

(F) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(G) report to Congress on the implementation of phase I, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) plans for the development and implementation of phases II and III.

(2) PHASE II.—The Secretary shall—

(A) complete the implementation of a single program for registered travelers to expedite travel across the border, as required by section 603(e);

(B) complete the implementation of a biometric entry and exit data system that links to relevant databases and data systems, as required by subsections (b) and (c) of section 603, and other existing authorities;

(C) in cooperation with other relevant agencies, engage in dialogue with foreign governments to develop plans for the use of common screening standards;

(D) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(E) report to Congress on the implementation of phase II, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) the plans for the development and implementation of phase III.

(3) PHASE III.—The Secretary shall—

(A) finalize and deploy the integrated screening system required by subsection (a);

(B) in cooperation with other relevant agencies, promote the implementation of common screening standards by foreign governments; and

(C) report to Congress on the implementation of Phase III, including—

(i) the effectiveness of actions taken, the efficacy of resources expended, compliance with statutory provisions, and safeguards for privacy and civil liberties; and

(ii) the plans for the ongoing operation of the integrated screening system.

(h) REPORT.—After phase III has been implemented, the Secretary shall submit a report to Congress every 3 years that describes the ongoing operation of the integrated screening system, including its effectiveness, efficient use of resources, compliance with statutory provisions, and safeguards for privacy and civil liberties.

(i) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 603. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that completing a biometric entry and exit data system as expeditiously as possible is an essential investment in efforts to protect the United States by preventing the entry of terrorists.

(b) PLAN AND REPORT.—

(1) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security shall develop a plan to accelerate the full implementation of an automated biometric entry and exit data system required by applicable sections of—

(A) the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208);

(B) the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106-205);

(C) the Visa Waiver Permanent Program Act (Public Law 106-396);

(D) the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173); and

(E) the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56).

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the plan developed under paragraph (1), which shall contain—

(A) a description of the current functionality of the entry and exit data system, including—

(i) a listing of ports of entry with biometric entry data systems in use and whether such screening systems are located at primary or secondary inspection areas;

(ii) a listing of ports of entry with biometric exit data systems in use;

(iii) a listing of databases and data systems with which the automated entry and exit data system are interoperable;

(iv) a description of—

(I) identified deficiencies concerning the accuracy or integrity of the information contained in the entry and exit data system;

(II) identified deficiencies concerning technology associated with processing individuals through the system; and

(III) programs or policies planned or implemented to correct problems identified in subsection (I) or (II); and

(v) an assessment of the effectiveness of the entry and exit data system in fulfilling its intended purposes, including preventing terrorists from entering the United States;

(B) a description of factors relevant to the accelerated implementation of the biometric entry and exit system, including—

(i) the earliest date on which the Secretary estimates that full implementation of the biometric entry and exit data system can be completed;

(ii) the actions the Secretary will take to accelerate the full implementation of the biometric entry and exit data system at all ports of entry through which all aliens must pass that are legally required to do so; and

(iii) the resources and authorities required to enable the Secretary to meet the implementation date described in clause (i);

(C) a description of any improvements needed in the information technology employed for the entry and exit data system; and

(D) a description of plans for improved or added interoperability with any other databases or data systems.

(c) INTEGRATION REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall integrate the biometric entry and exit data system with all databases and data systems maintained by the United States Citizenship and Immigration Services that process or contain information on aliens.

(d) MAINTAINING ACCURACY AND INTEGRITY OF ENTRY AND EXIT DATA SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with other appropriate agencies, shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, the entry and exit data system, and databases and data systems linked to the entry and exit data system, that ensure the accuracy and integrity of the data.

(2) REQUIREMENTS.—The rules, guidelines, policies, and procedures established under paragraph (1) shall—

(A) incorporate a simple and timely method for—

(i) correcting errors; and

(ii) clarifying information known to cause false hits or misidentification errors; and

(B) include procedures for individuals to seek corrections of data contained in the data systems.

(e) EXPEDITING REGISTERED TRAVELERS ACROSS INTERNATIONAL BORDERS.—

(1) FINDINGS.—Consistent with the report of the National Commission on Terrorist At-

tacks Upon the United States, Congress finds that—

(A) expediting the travel of previously screened and known travelers across the borders of the United States should be a high priority; and

(B) the process of expediting known travelers across the border can permit inspectors to better focus on identifying terrorists attempting to enter the United States.

(2) DEFINITION.—The term “registered traveler program” means any program designed to expedite the travel of previously screened and known travelers across the borders of the United States.

(3) REGISTERED TRAVEL PLAN.—

(A) IN GENERAL.—As soon as is practicable, the Secretary shall develop and implement a plan to expedite the processing of registered travelers who enter and exit the United States through a single registered traveler program.

(B) INTEGRATION.—The registered traveler program developed under this paragraph shall be integrated into the automated biometric entry and exit data system described in this section.

(C) REVIEW AND EVALUATION.—In developing the program under this paragraph, the Secretary shall—

(i) review existing programs or pilot projects designed to expedite the travel of registered travelers across the borders of the United States;

(ii) evaluate the effectiveness of the programs described in clause (i), the costs associated with such programs, and the costs to travelers to join such programs; and

(iii) increase research and development efforts to accelerate the development and implementation of a single registered traveler program.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the Department’s progress on the development and implementation of the plan required by this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 604. TRAVEL DOCUMENTS.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(1) existing procedures allow many individuals to enter the United States by showing minimal identification or without showing any identification;

(2) the planning for the terrorist attacks of September 11, 2001, demonstrates that terrorists study and exploit United States vulnerabilities; and

(3) additional safeguards are needed to ensure that terrorists cannot enter the United States.

(b) BIOMETRIC PASSPORTS.—

(1) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require biometric passports or other identification deemed by the Secretary to be at least as secure as a biometric passport, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(2) REQUIREMENT TO PRODUCE DOCUMENTATION.—The plan developed under paragraph

(1) shall require all United States citizens,

and categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of such Act, to carry and produce the documentation described in paragraph (1) when traveling from foreign countries into the United States.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—After the complete implementation of the plan described in subsection (b)—

(1) the Secretary of State and the Attorney General may no longer exercise discretion under section 212(d)(4)(B) of such Act to waive documentary requirements for travel into the United States; and

(2) the President may no longer exercise discretion under section 215(b) of such Act to waive documentary requirements for United States citizens departing from or entering, or attempting to depart from or enter, the United States, unless the Secretary of State determines that the alternative documentation that is the basis for the waiver of the documentary requirement is at least as secure as a biometric passport.

(d) TRANSIT WITHOUT VISA PROGRAM.—The Secretary of State shall not use any authorities granted under section 212(d)(4)(C) of such Act until the Secretary, in conjunction with the Secretary of Homeland Security, completely implements a security plan to fully ensure secure transit passage areas to prevent aliens proceeding in immediate and continuous transit through the United States from illegally entering the United States.

SEC. 605. EXCHANGE OF TERRORIST INFORMATION.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress finds that—

(1) the exchange of terrorist information with other countries, consistent with privacy requirements, along with listings of lost and stolen passports, will have immediate security benefits; and

(2) the further away from the borders of the United States that screening occurs, the more security benefits the United States will gain.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should exchange terrorist information with trusted allies;

(2) the United States Government should move toward real-time verification of passports with issuing authorities;

(3) where practicable the United States Government should conduct screening before a passenger departs on a flight destined for the United States;

(4) the United States Government should work with other countries to ensure effective inspection regimes at all airports;

(5) the United States Government should work with other countries to improve passport standards and provide foreign assistance to countries that need help making the transition to the global standard for identification; and

(6) the Department of Homeland Security, in coordination with the Department of State and other agencies, should implement the initiatives called for in this subsection.

(c) REPORT REGARDING THE EXCHANGE OF TERRORIST INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security, working with other agencies, shall submit to the appropriate committees of Congress a report on Federal efforts to collaborate with allies of the United States in the exchange of terrorist information.

(2) CONTENTS.—The report shall outline—

(A) strategies for increasing such collaboration and cooperation;

(B) progress made in screening passengers before their departure to the United States; and

(C) efforts to work with other countries to accomplish the goals described under this section.

SEC. 606. MINIMUM STANDARDS FOR IDENTIFICATION-RELATED DOCUMENTS.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

“SEC. 890A. MINIMUM STANDARDS FOR BIRTH CERTIFICATES.

“(a) DEFINITION.—In this section, the term ‘birth certificate’ means a certificate of birth—

“(1) for an individual (regardless of where born)—

“(A) who is a citizen or national of the United States at birth; and

“(B) whose birth is registered in the United States; and

“(2) that—

“(A) is issued by a Federal, State, or local government agency or authorized custodian of record and produced from birth records maintained by such agency or custodian of record; or

“(B) is an authenticated copy, issued by a Federal, State, or local government agency or authorized custodian of record, of an original certificate of birth issued by such agency or custodian of record.

“(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

“(1) IN GENERAL.—Beginning 2 years after the promulgation of minimum standards under paragraph (2), no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards.

“(2) MINIMUM STANDARDS.—Within 1 year after the date of enactment of this section, the Secretary shall by regulation establish minimum standards for birth certificates for use by Federal agencies for official purposes that—

“(A) at a minimum, shall require certification of the birth certificate by the State or local government custodian of record that issued the certificate, and shall require the use of safety paper, the seal of the issuing custodian of record, and other features designed to prevent tampering, counterfeiting, or otherwise duplicating the birth certificate for fraudulent purposes;

“(B) shall establish requirements for proof and verification of identity as a condition of issuance of a birth certificate, with additional security measures for the issuance of a birth certificate for a person who is not the applicant;

“(C) may not require a single design to which birth certificates issued by all States must conform; and

“(D) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

“(3) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required by paragraph (2), the Secretary shall consult with State vital statistics offices and appropriate Federal agencies.

“(4) EXTENSION OF EFFECTIVE DATE.—The Secretary may extend the 2-year date under paragraph (1) by up to 2 additional years for birth certificates issued before that 2-year date if the Secretary determines that the States are unable to comply with such date after making reasonable efforts to do so.

“(c) GRANTS TO STATES.—

“(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

“(A) IN GENERAL.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall make grants to States to assist them in conforming to the minimum standards for birth certificates set forth in the regulation.

“(B) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this paragraph based on the proportion that the estimated average annual number of birth certificates issued by a State applying for a grant bears to the estimated average annual number of birth certificates issued by all States.

“(2) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

“(A) IN GENERAL.—The Secretary, in coordination with other appropriate Federal agencies, shall make grants to States to assist them in—

“(i) computerizing their birth and death records;

“(ii) developing the capability to match birth and death records within each State and among the States; and

“(iii) noting the fact of death on the birth certificates of deceased persons.

“(B) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this paragraph based on the proportion that the estimated annual average number of birth and death records created by a State applying for a grant bears to the estimated annual average number of birth and death records originated by all States.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this section.

“SEC. 890B. DRIVER'S LICENSES AND PERSONAL IDENTIFICATION CARDS.

“(a) DEFINITIONS.—In this section:

“(1) DRIVER'S LICENSE.—The term ‘driver's license’ means a motor vehicle operator's license as defined in section 30301(5) of title 49, United States Code.

“(2) PERSONAL IDENTIFICATION CARD.—The term ‘personal identification card’ means an identification document (as defined in section 1028(d)(3) of title 18, United States Code) issued by a State.

“(b) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

“(1) IN GENERAL.—

“(A) LIMITATION ON ACCEPTANCE.—No Federal agency may accept, for any official purpose, a driver's license or personal identification card issued by a State more than 2 years after the promulgation of the minimum standards under paragraph (2) unless the driver's license or personal identification card conforms to such minimum standards.

“(B) DATE FOR CONFORMANCE.—The Secretary shall establish a date after which no driver's license or personal identification card shall be accepted by a Federal agency for any official purpose unless such driver's license or personal identification card conforms to the minimum standards established under paragraph (2). The date shall be as early as the Secretary determines it is practicable for the States to comply with such date with reasonable efforts.

“(2) MINIMUM STANDARDS.—Within 1 year after the date of enactment of this section, the Secretary shall by regulation establish minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes that shall include—

“(A) standards for documentation required as proof of identity of an applicant for a driver's license or identification card;

“(B) standards for third-party verification of the authenticity of documents used to obtain a driver's license or identification card;

“(C) standards for the processing of applications for driver's licenses and identification cards to prevent fraud;

“(D) security standards to ensure that driver's licenses and identification cards are—

“(i) resistant to tampering, alteration, or counterfeiting; and

“(ii) capable of accommodating a digital photograph or other unique identifier; and

“(E) a requirement that a State confiscate a driver's license or identification card if any component or security feature of the license or identification card is compromised.

“(3) CONTENT OF REGULATIONS.—The regulations required by paragraph (2)—

“(A) shall facilitate communication between the chief driver licensing official of a State and an appropriate official of a Federal agency to verify the authenticity of documents issued by such Federal agency and presented to prove the identity of an individual;

“(B) may not directly or indirectly infringe on a State's power to set eligibility criteria for obtaining a driver's license or identification card from that State; and

“(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of such eligibility criteria by the State.

“(4) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required by paragraph (2), the Secretary shall consult with the Department of Transportation, the chief driver licensing official of each State, any other State organization that issues personal identification cards, and any organization, determined appropriate by the Secretary, that represents the interests of the States.

“(c) GRANTS TO STATES.—

“(1) ASSISTANCE IN MEETING FEDERAL STANDARDS.—Beginning on the date a final regulation is promulgated under subsection (b)(2), the Secretary shall make grants to States to assist them in conforming to the minimum standards for driver's licenses and personal identification cards set forth in the regulation.

“(2) ALLOCATION OF GRANTS.—The Secretary shall make grants to States under this subsection based on the proportion that the estimated average annual number of driver's licenses and personal identification cards issued by a State applying for a grant bears to the average annual number of such documents issued by all States.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.

“SEC. 890C. SOCIAL SECURITY CARDS.

“(a) SECURITY ENHANCEMENTS.—The Commissioner of Social Security shall—

“(1) within 180 days after the date of enactment of this section, issue regulations to restrict the issuance of multiple replacement social security cards to any individual to minimize fraud;

“(2) within 1 year after the date of enactment of this section, require independent verification of all records provided by an applicant for an original social security card, other than for purposes of enumeration at birth; and

“(3) within 18 months after the date of enactment of this section, add death, fraud, and work authorization indicators to the social security number verification system.

“(b) INTERAGENCY SECURITY TASK FORCE.—The Secretary and the Commissioner of Social Security shall form an interagency task force for the purpose of further improving the security of social security cards and

numbers. Within 1 year after the date of enactment of this section, the task force shall establish security requirements, including—

“(1) standards for safeguarding social security cards from counterfeiting, tampering, alteration, and theft;

“(2) requirements for verifying documents submitted for the issuance of replacement cards; and

“(3) actions to increase enforcement against the fraudulent use or issuance of social security numbers and cards.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commissioner of Social Security for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is repealed.

(2) Section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 890 the following:

“Sec. 890A. Minimum standards for birth certificates.

“Sec. 890B. Driver's licenses and personal identification cards.

“Sec. 890C. Social security cards.”

TITLE VII—TRANSPORTATION SECURITY

SEC. 701. DEFINITIONS.

In this title, the terms “air carrier”, “air transportation”, “aircraft”, “airport”, “cargo”, “foreign air carrier”, and “intrastate air transportation” have the meanings given such terms in section 40102 of title 49, United States Code.

SEC. 702. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) **REQUIREMENT FOR STRATEGY.**—

(1) **RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.**—The Secretary of Homeland Security shall—

(A) develop and implement a National Strategy for Transportation Security; and

(B) revise such strategy whenever necessary to improve or to maintain the currency of the strategy or whenever the Secretary otherwise considers it appropriate to do so.

(2) **CONSULTATION WITH SECRETARY OF TRANSPORTATION.**—The Secretary of Homeland Security shall consult with the Secretary of Transportation in developing and revising the National Strategy for Transportation Security under this section.

(b) **CONTENT.**—The National Strategy for Transportation Security shall include the following matters:

(1) An identification and evaluation of the transportation assets within the United States that, in the interests of national security, must be protected from attack or disruption by terrorist or other hostile forces, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, urban mass transit, and other public transportation infrastructure assets that could be at risk of such an attack or disruption.

(2) The development of the risk-based priorities, and realistic deadlines, for addressing security needs associated with those assets.

(3) The most practical and cost-effective means of defending those assets against threats to their security.

(4) A forward-looking strategic plan that assigns transportation security roles and missions to departments and agencies of the Federal Government (including the Armed Forces), State governments (including the Army National Guard and Air National Guard), local governments, and public utili-

ties, and establishes mechanisms for encouraging private sector cooperation and participation in the implementation of such plan.

(5) A comprehensive delineation of response and recovery responsibilities and issues regarding threatened and executed acts of terrorism within the United States.

(6) A prioritization of research and development objectives that support transportation security needs, giving a higher priority to research and development directed toward protecting vital assets.

(7) A budget and recommendations for appropriate levels and sources of funding to meet the objectives set forth in the strategy.

(c) **SUBMISSIONS TO CONGRESS.**—

(1) **THE NATIONAL STRATEGY.**—

(A) **INITIAL STRATEGY.**—The Secretary of Homeland Security shall submit the National Strategy for Transportation Security developed under this section to Congress not later than April 1, 2005.

(B) **SUBSEQUENT VERSIONS.**—After 2005, the Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including any revisions, to Congress not less frequently than April 1 of each even-numbered year.

(2) **PERIODIC PROGRESS REPORT.**—

(A) **REQUIREMENT FOR REPORT.**—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary of Homeland Security shall submit to Congress an assessment of the progress made on implementing the National Strategy for Transportation Security.

(B) **CONTENT.**—Each progress report under this paragraph shall include, at a minimum, the following matters:

(i) An assessment of the adequacy of the resources committed to meeting the objectives of the National Strategy for Transportation Security.

(ii) Any recommendations for improving and implementing that strategy that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

(3) **CLASSIFIED MATERIAL.**—Any part of the National Strategy for Transportation Security that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

(d) **PRIORITY STATUS.**—

(1) **IN GENERAL.**—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts.

(2) **OTHER PLANS AND REPORTS.**—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

(A) the current National Maritime Transportation Security Plan under section 70103 of title 46, United States Code;

(B) the report of the Secretary of Transportation under section 44938 of title 49, United States Code; and

(C) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.

SEC. 703. USE OF WATCHLISTS FOR PASSENGER AIR TRANSPORTATION SCREENING.

(a) **IN GENERAL.**—The Secretary of Homeland Security, acting through the Transportation Security Administration, as soon as practicable after the date of the enactment of this Act but in no event later than 90 days after that date, shall—

(1) implement a procedure under which the Transportation Security Administration compares information about passengers who are to be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation for flights and flight seg-

ments originating in the United States with a comprehensive, consolidated database containing information about known or suspected terrorists and their associates; and

(2) use the information obtained by comparing the passenger information with the information in the database to prevent known or suspected terrorists and their associates from boarding such flights or flight segments or to subject them to specific additional security scrutiny, through the use of “no fly” and “automatic selectee” lists or other means.

(b) **AIR CARRIER COOPERATION.**—The Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall by order require air carriers to provide the passenger information necessary to implement the procedure required by subsection (a).

(c) **MAINTAINING THE ACCURACY AND INTEGRITY OF THE “NO FLY” AND “AUTOMATIC SELECTEE” LISTS.**—

(1) **WATCHLIST DATABASE.**—The Secretary of Homeland Security, in consultation with the Director of the Federal Bureau of Investigation, shall design guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the watchlist database described in subsection (a)(1) that are designed to ensure the accuracy and integrity of the database.

(2) **ACCURACY OF ENTRIES.**—In developing the “no fly” and “automatic selectee” lists under subsection (a)(2), the Secretary of Homeland Security shall establish a simple and timely method for correcting erroneous entries, for clarifying information known to cause false hits or misidentification errors, and for updating relevant information that is dispositive in the passenger screening process. The Secretary shall also establish a process to provide individuals whose names are confused with, or similar to, names in the database with a means of demonstrating that they are not a person named in the database.

SEC. 704. ENHANCED PASSENGER AND CARGO SCREENING.

(a) **AIRCRAFT PASSENGER SCREENING AT CHECKPOINTS.**—

(1) **DETECTION OF EXPLOSIVES.**—

(A) **IMPROVEMENT OF CAPABILITIES.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Homeland Security shall take such action as is necessary to improve the capabilities at passenger screening checkpoints, especially at commercial airports, to detect explosives carried aboard aircraft by passengers or placed aboard aircraft by passengers.

(B) **INTERIM ACTION.**—Until measures are implemented that enable the screening of all passengers for explosives, the Secretary shall take immediate measures to require Transportation Security Administration or other screeners to screen for explosives any individual identified for additional screening before that individual may board an aircraft.

(2) **IMPLEMENTATION REPORT.**—

(A) **REQUIREMENT FOR REPORT.**—Within 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall transmit to the Senate and the House of Representatives a report on how the Secretary intends to achieve the objectives of the actions required under paragraph (1). The report shall include an implementation schedule.

(B) **CLASSIFIED INFORMATION.**—The Secretary may submit separately in classified form any information in the report under subparagraph (A) that involves information that is properly classified under criteria established by Executive order.

(b) ACCELERATION OF RESEARCH AND DEVELOPMENT ON, AND DEPLOYMENT OF, DETECTION OF EXPLOSIVES.—

(1) REQUIRED ACTION.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall take such action as may be necessary to accelerate research and development and deployment of technology for screening aircraft passengers for explosives during or before the aircraft boarding process.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2009.

(c) IMPROVEMENT OF SCREENER JOB PERFORMANCE.—

(1) REQUIRED ACTION.—The Secretary of Homeland Security shall take such action as may be necessary to improve the job performance of airport screening personnel.

(2) HUMAN FACTORS STUDY.—In carrying out this subsection, the Secretary shall, not later than 180 days after the date of the enactment of this Act, conduct a human factors study in order better to understand problems in screener performance and to set attainable objectives for individual screeners and screening checkpoints.

(d) CHECKED BAGGAGE AND CARGO.—

(1) IN-LINE BAGGAGE SCREENING.—The Secretary of Homeland Security shall take such action as may be necessary to expedite the installation and use of advanced in-line baggage-screening equipment at commercial airports.

(2) CARGO SECURITY.—The Secretary shall take such action as may be necessary to ensure that the Transportation Security Administration increases and improves its efforts to screen potentially dangerous cargo.

(3) HARDENED CONTAINERS.—The Secretary, in consultation with the Secretary of Transportation, shall require air carriers to deploy at least 1 hardened container for containing baggage or cargo items in each passenger aircraft that also carries cargo.

(e) COST-SHARING.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with representatives of air carriers, airport operators, and other interested parties, shall submit to the Senate and the House of Representatives—

(1) a proposed formula for cost-sharing, for the advanced in-line baggage screening equipment required by this title, between and among the Federal Government, State and local governments, and the private sector that reflects proportionate national security benefits and private sector benefits for such enhancement; and

(2) recommendations, including recommended legislation, for an equitable, feasible, and expeditious system for defraying the costs of the advanced in-line baggage screening equipment required by this title, which may be based on the formula proposed under paragraph (1).

TITLE VIII—NATIONAL PREPAREDNESS

SEC. 801. HOMELAND SECURITY ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY.—The term “community” means a State, local government, or region.

(2) HOMELAND SECURITY ASSISTANCE.—The term “homeland security assistance” means grants or other financial assistance provided by the Department of Homeland Security under the State Homeland Security Grants Program, the Urban Areas Security Initiative, or the Law Enforcement Terrorism Prevention Program.

(3) LOCAL GOVERNMENT.—The term “local government” has the meaning given that term in section 2(10) of the Homeland Security Act of 2002 (6 U.S.C. 101(10)).

(4) REGION.—The term “region” means any intrastate or interstate consortium of local governments.

(5) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(6) STATE.—The term “State” has the meaning given that term in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

(7) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

(b) IN GENERAL.—The Secretary shall allocate homeland security assistance to communities based on—

(1) the level of threat faced by a community, as determined by the Secretary through the Under Secretary, in consultation with the National Intelligence Director;

(2) the critical infrastructure in the community, and the risks to and vulnerability of that infrastructure, as identified and assessed by the Secretary through the Under Secretary;

(3) the community’s population and population density;

(4) such other indicia of a community’s risk and vulnerability as the Secretary determines is appropriate;

(5) the benchmarks developed under subsection (d)(4)(A); and

(6) the goal of achieving and enhancing essential emergency preparedness and response capabilities throughout the Nation.

(c) REALLOCATION OF ASSISTANCE.—A State receiving homeland security assistance may reallocate such assistance, in whole or in part, among local governments or other entities, only if such reallocation is made on the basis of an assessment of threats, risks, and vulnerabilities of the local governments or other entities that is consistent with the criteria set forth in subsection (b).

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish an advisory panel to assist the Secretary in determining how to allocate homeland security assistance funds most effectively among communities, consistent with the criteria set out in subsection (b).

(2) SELECTION OF MEMBERS.—The Secretary shall appoint no fewer than 10 individuals to serve on the advisory panel. The individuals shall—

(A) be chosen on the basis of their knowledge, achievements, and experience;

(B) be from diverse geographic and professional backgrounds; and

(C) have demonstrated expertise in homeland security or emergency preparedness and response.

(3) TERM.—Each member of the advisory panel appointed by the Secretary shall serve a term the length of which is to be determined by the Secretary, but which shall not exceed 5 years.

(4) RESPONSIBILITIES.—The advisory panel shall—

(A) develop benchmarks by which the needs and capabilities of diverse communities throughout the Nation with respect to potential terrorist attacks may be assessed, and review and revise those benchmarks as appropriate; and

(B) advise the Secretary on means of establishing appropriate priorities for the allocation of funding among applicants for homeland security assistance.

(5) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the advisory panel shall provide the Secretary and Congress with a report on the benchmarks it has developed under paragraph (4)(A), including any revisions or modifications to such benchmarks.

(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory panel.

(7) ADMINISTRATIVE SUPPORT SERVICES.—The Secretary shall provide administrative support services to the advisory panel.

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014(c) of the USA PATRIOT ACT of 2001 (42 U.S.C. 3714(c)) is amended by striking paragraph (3).

SEC. 802. THE INCIDENT COMMAND SYSTEM.

(a) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The attacks on September 11, 2001, demonstrated that even the most robust emergency response capabilities can be overwhelmed if an attack is large enough.

(2) Teamwork, collaboration, and cooperation at an incident site are critical to a successful response to a terrorist attack.

(3) Key decision makers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety.

(4) Regular joint training at all levels is essential to ensuring close coordination during an actual incident.

(5) Beginning with fiscal year 2005, the Department of Homeland Security is requiring that entities adopt the Incident Command System and other concepts of the National Incident Management System in order to qualify for funds distributed by the Office of State and Local Government Coordination and Preparedness.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) emergency response agencies nationwide should adopt the Incident Command System;

(2) when multiple agencies or multiple jurisdictions are involved, they should follow a unified command system; and

(3) the Secretary of Homeland Security should require, as a further condition of receiving homeland security preparedness funds from the Office of State and Local Government Coordination and Preparedness, that grant applicants document measures taken to fully and aggressively implement the Incident Command System and unified command procedures.

SEC. 803. NATIONAL CAPITAL REGION MUTUAL AID.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED REPRESENTATIVE OF THE FEDERAL GOVERNMENT.—The term “authorized representative of the Federal Government” means any individual or individuals designated by the President with respect to the executive branch, the Chief Justice with respect to the Federal judiciary, or the President of the Senate and Speaker of the House of Representatives with respect to Congress, or their designees, to request assistance under a Mutual Aid Agreement for an emergency or public service event.

(2) CHIEF OPERATING OFFICER.—The term “chief operating officer” means the official designated by law to declare an emergency in and for the locality of that chief operating officer.

(3) EMERGENCY.—The term “emergency” means a major disaster or emergency declared by the President, or a state of emergency declared by the Mayor of the District of Columbia, the Governor of the State of Maryland or the Commonwealth of Virginia, or the declaration of a local emergency by the chief operating officer of a locality, or their designees, that triggers mutual aid under the terms of a Mutual Aid Agreement.

(4) EMPLOYEE.—The term “employee” means the employees of the party, including

its agents or authorized volunteers, who are committed in a Mutual Aid Agreement to prepare for or who respond to an emergency or public service event.

(5) **LOCALITY.**—The term “locality” means a county, city, or town within the State of Maryland or the Commonwealth of Virginia and within the National Capital Region.

(6) **MUTUAL AID AGREEMENT.**—The term “Mutual Aid Agreement” means an agreement, authorized under subsection (b) for the provision of police, fire, rescue and other public safety and health or medical services to any party to the agreement during a public service event, an emergency, or preplanned training event.

(7) **NATIONAL CAPITAL REGION OR REGION.**—The term “National Capital Region” or “Region” means the area defined under section 2674(f)(2) of title 10, United States Code, and those counties with a border abutting that area and any municipalities therein.

(8) **PARTY.**—The term “party” means the State of Maryland, the Commonwealth of Virginia, the District of Columbia, and any of the localities duly executing a Mutual Aid Agreement under this section.

(9) **PUBLIC SERVICE EVENT.**—The term “public service event”—

(A) means any undeclared emergency, incident or situation in preparation for or response to which the Mayor of the District of Columbia, an authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality in the National Capital Region, or their designees, requests or provides assistance under a Mutual Aid Agreement within the National Capital Region; and

(B) includes Presidential inaugurations, public gatherings, demonstrations and protests, and law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and other support that require human resources, equipment, facilities or services supplemental to or greater than the requesting jurisdiction can provide.

(10) **STATE.**—The term “State” means the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

(11) **TRAINING.**—The term “training” means emergency and public service event-related exercises, testing, or other activities using equipment and personnel to simulate performance of any aspect of the giving or receiving of aid by National Capital Region jurisdictions during emergencies or public service events, such actions occurring outside actual emergency or public service event periods.

(b) **MUTUAL AID AUTHORIZED.**—

(1) **IN GENERAL.**—The Mayor of the District of Columbia, any authorized representative of the Federal Government, the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality, or their designees, acting within his or her jurisdictional purview, may, subject to State law, enter into, request or provide assistance under Mutual Aid Agreements with localities, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority for—

(A) law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support in an emergency or public service event;

(B) preparing for, mitigating, managing, responding to or recovering from any emergency or public service event; and

(C) training for any of the activities described under subparagraphs (A) and (B).

(2) **FACILITATING LOCALITIES.**—The State of Maryland and the Commonwealth of Virginia are encouraged to facilitate the ability of localities to enter into interstate Mutual Aid Agreements in the National Capital Region under this section.

(3) **APPLICATION AND EFFECT.**—This section—

(A) does not apply to law enforcement security operations at special events of national significance under section 3056(e) of title 18, United States Code, or other law enforcement functions of the United States Secret Service;

(B) does not diminish any authorities, express or implied, of Federal agencies to enter into Mutual Aid Agreements in furtherance of their Federal missions; and

(C) does not—

(i) preclude any party from entering into supplementary Mutual Aid Agreements with fewer than all the parties, or with another party; or

(ii) affect any other agreement in effect before the date of enactment of this Act among the States and localities, including the Emergency Management Assistance Compact.

(4) **RIGHTS DESCRIBED.**—Other than as described in this section, the rights and responsibilities of the parties to a Mutual Aid Agreement entered into under this section shall be as described in the Mutual Aid Agreement.

(c) **DISTRICT OF COLUMBIA.**—

(1) **IN GENERAL.**—The District of Columbia may purchase liability and indemnification insurance or become self insured against claims arising under a Mutual Aid Agreement authorized under this section.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).

(d) **LIABILITY AND ACTIONS AT LAW.**—

(1) **IN GENERAL.**—Any responding party or its officers or employees rendering aid or failing to render aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement authorized under this section, and any party or its officers or employees engaged in training activities with another party under such a Mutual Aid Agreement, shall be liable on account of any act or omission of its officers or employees while so engaged or on account of the maintenance or use of any related equipment, facilities, or supplies, but only to the extent permitted under the laws and procedures of the State of the party rendering aid.

(2) **ACTIONS.**—Any action brought against a party or its officers or employees on account of an act or omission in the rendering of aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, or failure to render such aid or on account of the maintenance or use of any related equipment, facilities, or supplies may be brought only under the laws and procedures of the State of the party rendering aid and only in the Federal or State courts located therein. Actions against the United States under this section may be brought only in Federal courts.

(3) **GOOD FAITH EXCEPTION.**—

(A) **DEFINITION.**—In this paragraph, the term “good faith” shall not include willful misconduct, gross negligence, or recklessness.

(B) **EXCEPTION.**—No State or locality, or its officers or employees, rendering aid to another party, or engaging in training, under a Mutual Aid Agreement shall be liable under

Federal law on account of any act or omission performed in good faith while so engaged, or on account of the maintenance or use of any related equipment, facilities, or supplies performed in good faith.

(4) **IMMUNITIES.**—This section shall not abrogate any other immunities from liability that any party has under any other Federal or State law.

(d) **WORKERS COMPENSATION.**—

(1) **COMPENSATION.**—Each party shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement, or engaged in training activities under a Mutual Aid Agreement, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

(2) **OTHER STATE LAW.**—No party shall be liable under the law of any State other than its own for providing for the payment of compensation and death benefits to injured members of the emergency forces of that party and representatives of deceased members of such forces if such members sustain injuries or are killed while rendering aid to the District of Columbia, the Federal Government, the State of Maryland, the Commonwealth of Virginia, or a locality, under a Mutual Aid Agreement or engaged in training activities under a Mutual Aid Agreement.

(e) **LICENSES AND PERMITS.**—If any person holds a license, certificate, or other permit issued by any responding party evidencing the meeting of qualifications for professional, mechanical, or other skills and assistance is requested by a receiving jurisdiction, such person will be deemed licensed, certified, or permitted by the receiving jurisdiction to render aid involving such skill to meet a public service event, emergency or training for any such events.

SEC. 804. ASSIGNMENT OF SPECTRUM FOR PUBLIC SAFETY.

Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the end the following:

“(E) **EXTENSIONS NOT PERMITTED FOR CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR PUBLIC SAFETY SERVICES.**—Notwithstanding subparagraph (B), the Commission shall not grant any extension under such subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, under section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing not later than January 1, 2007.”

SEC. 805. URBAN AREA COMMUNICATIONS CAPABILITIES.

(a) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following: “**SEC. 510. HIGH RISK URBAN AREA COMMUNICATIONS CAPABILITIES.**

“The Secretary, in consultation with the Federal Communications Commission and the Secretary of Defense, and with appropriate governors, mayors, and other State and local government officials, shall encourage and support the establishment of consistent and effective communications capabilities in the event of an emergency in urban areas determined by the Secretary to

be at consistently high levels of risk from terrorist attack. Such communications capabilities shall ensure the ability of all levels of government agencies, including military authorities, and of first responders, hospitals, and other organizations with emergency response capabilities to communicate with each other in the event of an emergency. Additionally, the Secretary, in conjunction with the Secretary of Defense, shall develop plans to provide back-up and additional communications support in the event of an emergency."

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 1(b) of that Act is amended by inserting after the item relating to section 509 the following:

"Sec. 510. High risk urban area communications capabilities."

SEC. 806. PRIVATE SECTOR PREPAREDNESS.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Private sector organizations own 85 percent of the Nation's critical infrastructure and employ the vast majority of the Nation's workers.

(2) Unless a terrorist attack targets a military or other secure government facility, the first people called upon to respond will likely be civilians.

(3) Despite the exemplary efforts of some private entities, the private sector remains largely unprepared for a terrorist attack, due in part to the lack of a widely accepted standard for private sector preparedness.

(4) Preparedness in the private sector and public sector for rescue, restart and recovery of operations should include—

(A) a plan for evacuation;

(B) adequate communications capabilities; and

(C) a plan for continuity of operations.

(5) The American National Standards Institute recommends a voluntary national preparedness standard for the private sector based on the existing American National Standard on Disaster/Emergency Management and Business Continuity Programs (NFPA 1600), with appropriate modifications. This standard would establish a common set of criteria and terminology for preparedness, disaster management, emergency management, and business continuity programs.

(6) The mandate of the Department of Homeland Security extends to working with the private sector, as well as government entities.

(b) **PRIVATE SECTOR PREPAREDNESS PROGRAM.**—

(1) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 805, is amended by adding at the end the following:

"SEC. 511. PRIVATE SECTOR PREPAREDNESS PROGRAM.

"The Secretary shall establish a program to promote private sector preparedness for terrorism and other emergencies, including promoting the adoption of a voluntary national preparedness standard such as the private sector preparedness standard developed by the American National Standards Institute and based on the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs."

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 1(b) of that Act, as amended by section 805, is amended by inserting after the item relating to section 510 the following:

"Sec. 511. Private sector preparedness program."

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that insurance and credit-rating in-

dustries should consider compliance with the voluntary national preparedness standard, the adoption of which is promoted by the Secretary of Homeland Security under section 511 of the Homeland Security Act of 2002, as added by subsection (b), in assessing insurability and credit worthiness.

SEC. 807. CRITICAL INFRASTRUCTURE AND READINESS ASSESSMENTS.

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

(1) Under section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), the Department of Homeland Security, through the Under Secretary for Information Analysis and Infrastructure Protection, has the responsibility—

(A) to carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States;

(B) to identify priorities for protective and supportive measures; and

(C) to develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States.

(2) Under Homeland Security Presidential Directive 7, issued on December 17, 2003, the Secretary of Homeland Security was given 1 year to develop a comprehensive plan to identify, prioritize, and coordinate the protection of critical infrastructure and key resources.

(3) Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, the Secretary of Homeland Security should—

(A) identify those elements of the United States' transportation, energy, communications, financial, and other institutions that need to be protected;

(B) develop plans to protect that infrastructure; and

(C) exercise mechanisms to enhance preparedness.

(b) **REPORTS ON RISK ASSESSMENT AND READINESS.**—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress on—

(1) the Department of Homeland Security's progress in completing vulnerability and risk assessments of the Nation's critical infrastructure;

(2) the adequacy of the Government's plans to protect such infrastructure; and

(3) the readiness of the Government to respond to threats against the United States.

SEC. 808. REPORT ON NORTHERN COMMAND AND DEFENSE OF THE UNITED STATES HOMELAND.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) The primary responsibility for national defense is with the Department of Defense and the secondary responsibility for national defense is with the Department of Homeland Security, and the 2 departments must have clear delineations of responsibility.

(2) Before September 11, 2001, the North American Aerospace Defense Command (hereafter in this section referred to as "NORAD"), which had responsibility for defending United States airspace on September 11, 2001—

(A) focused on threats coming from outside the borders of the United States; and

(B) had not increased its focus on terrorism within the United States, even though the intelligence community had gathered intelligence on the possibility that terrorists might turn to hijacking and even

the use of airplanes as missiles within the United States.

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

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Secretary of Defense should regularly assess the adequacy of United States Northern Command's plans and strategies with a view to ensuring that the United States Northern Command is prepared to respond effectively to all military and paramilitary threats within the United States; and

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives should periodically review and assess the adequacy of such plans and strategies.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the United States Northern Command's plans and strategies to defend the United States against military and paramilitary threats within the United States.

TITLE IX—PROTECTION OF CIVIL LIBERTIES

SEC. 901. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) **IN GENERAL.**—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this title as the "Board").

(b) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

(c) **PURPOSE.**—The Board shall—

(1) analyze and review actions the Executive Branch takes to protect the Nation from terrorism; and

(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

(d) **FUNCTIONS.**—

(1) **ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.**—The Board shall—

(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under section 201(e);

(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under section 201(e);

(C) advise the President and Federal executive departments and agencies to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the executive department or agency has explained—

(i) that the power actually materially enhances security; and

(ii) that there is adequate supervision of the executive's use of the power to ensure protection of civil liberties.

(2) OVERSIGHT.—The Board shall continually review—

(A) the regulations, policies, and procedures and the implementation of the regulations, policies, procedures, and related laws of Federal executive departments and agencies to ensure that privacy and civil liberties are protected;

(B) the information sharing practices of Federal executive departments and agencies to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines promulgated under section 201(e) and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

(C) other actions by the Executive Branch related to efforts to protect the Nation from terrorism to determine whether such actions—

(i) appropriately protect privacy and civil liberties; and

(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall review and assess the activities of privacy and civil liberties officers described in section 902 and, where appropriate, shall coordinate their activities.

(e) REPORTS.—

(1) IN GENERAL.—The Board shall—

(A) receive and review reports from privacy and civil liberties officers described in section 902; and

(B) periodically submit, not less than semi-annually, reports to Congress and the President.

(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

(A) a description of the major activities of the Board during the relevant period; and

(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d).

(f) INFORMING THE PUBLIC.—The Board shall hold public hearings, release public reports, and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(g) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board may—

(A) secure directly from any Federal executive department or agency, or any Federal officer or employee, all relevant records, reports, audits, reviews, documents, papers, or recommendations, including classified information consistent with applicable law;

(B) interview, take statements from, or take public testimony from personnel of any Federal executive department or agency or any Federal officer or employee;

(C) request information or assistance from any State, tribal, or local government; and

(D) require, by subpoena, persons other than Federal executive departments and agencies to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order

requiring such person to produce the evidence required by such subpoena.

(h) MEMBERSHIP.—

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

(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, and relevant experience, and without regard to political affiliation.

(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, an officer, or an employee of the Federal Government, other than in the capacity as a member of the Board.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN.—The chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which the chairman is engaged in the actual performance of the duties of the Board.

(B) MEMBERS.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(j) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Chairman, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(k) SECURITY CLEARANCES.—The appropriate Federal executive departments and agencies shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(1) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—

(1) is an agency (as defined in section 551(1) of title 5, United States Code); and

(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 902. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) DESIGNATION AND FUNCTIONS.—The Attorney General, Secretary of Defense, Secretary of Homeland Security, Secretary of State, Secretary of the Treasury, Secretary of Health and Human Services, National Intelligence Director, Director of the Central Intelligence Agency, and the head of any other executive department or agency designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

(1) assist the department or agency head and other department or agency officials in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

(2) periodically investigate and review department or agency actions, policies, procedures, guidelines, and related laws and their implementation to ensure that the department or agency is adequately considering privacy and civil liberties in its actions;

(3) ensure that the department or agency has adequate procedures to receive, investigate, and respond to complaints from individuals who allege the department or agency has violated their privacy or civil liberties; and

(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether the department or agency has explained—

(i) that the power actually materially enhances security; and

(ii) that there is adequate supervision of the department's or agency's use of the power to ensure protection of civil liberties.

(b) EXCEPTION TO DESIGNATION AUTHORITY.—

(1) PRIVACY OFFICERS.—In any department or agency referenced in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

(2) CIVIL LIBERTIES OFFICERS.—In any department or agency referenced in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

(c) SUPERVISION AND COORDINATION.—Each privacy or civil liberties officer described in subsection (a) or (b) shall—

(1) report directly to the department or agency head; and

(2) coordinate their activities with the Inspector General of the agency to avoid duplication of effort.

(d) AGENCY COOPERATION.—Each department or agency head shall ensure that each privacy and civil liberties officer—

(1) has the information and material necessary to fulfill the officer's functions;

(2) is advised of proposed policy changes;

(3) is consulted by decision makers; and

(4) is given access to material and personnel the officer determines to be necessary to carry out the officer's functions.

(e) PERIODIC REPORTS.—

(1) IN GENERAL.—The privacy and civil liberties officers of each department or agency referenced or designated under subsection (a) shall periodically, but not less than quarterly, submit a report on the officers' activities to Congress, the department or agency head, and the Privacy and Civil Liberties Oversight Board.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the officer's functions, including—

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

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

(C) the number and nature of the complaints received by the agency for alleged violations; and

(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the officer's activities.

By Mr. SPECTER.

S. 2776. A bill to require the Secretary of Veterans Affairs to carry out a program of outreach to veterans of World War II and the Korean conflict on the nature and availability of benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to comment on legislation I am introducing today which would direct the Department of Veterans Affairs (VA) to provide a new, targeted program of outreach to veterans of World War II and the Korean conflict. The purpose of the program would be to inform these veterans, most of whom are now over the age of 70, of the veterans benefits to which they may be entitled, and to encourage them to apply for those benefits. The center piece of the new outreach program would be a \$35 million nationwide public service announcement campaign through various print, radio, and television media outlets. I believe such a campaign would be the most effective, and efficient, way to "get the word out" about VA benefits and services, but my legislation gives VA flexibility to devise other means if appropriate.

I am concerned that there are a number of older veterans who served during World War II and the Korean conflict, and who are entitled to benefits from VA, are simply not aware of that fact. A recent article in the Philadelphia Inquirer told the story of a World War II veteran from Missouri who filed a claim for benefits in 1947 for a cold-weather injury suffered while wading through an icy French harbor. The claim was denied, but because of intensive outreach conducted the State of Missouri over 50 years later, the veteran recently was awarded 100 percent disability compensation. The same article cites survey data from VA which suggest that over one-half million veterans might be eligible for VA compensation benefits—if only they would file claims. A similar inference can be drawn from data from the Veterans Benefits Administration Fiscal year 2003 Annual Benefits Report which show that even though veterans of

World War II and the Korean conflict comprise 31.6 percent of the total veteran population, only 23.2 percent of the total number of veterans actually receiving VA disability compensation are veterans of WWII and the Korean conflict. Further, it is a fact that Korean conflict and World War II veterans who are receiving compensation are compensated for fewer disabilities, on average, than are later generations of veterans.

I suspect that one reason for these discrepancies might be found in the fact that VA and the Department of Defense (DoD) now do a far better job than in prior years of educating service members of the benefits to which they are entitled. This year, VA compiled a report on its outreach activities—a report that was requested by Senator Russ Feingold and me—which outlines at great length programs—all laudable programs—of outreach specifically targeting service members and veterans recently discharged from service. For example, VA has a presence at 136 military installations which enables service members to receive complete medical examinations and disability ratings prior to discharge from service. VA and DoD also cooperate in providing intensive transition workshops for departing service members. I commend both VA and DoD for their outreach activities, particularly for such activities that target service members returning from Iraq and Afghanistan. Clearly, VA and DoD have made great strides in informing service members and veterans of their benefits at the point in their lives when such information is most useful, namely, at discharge from service. However, the intensity and breadth of outreach activities that are now the norm for the current generation of newly discharged veterans simply were not undertaken when World War II and Korean conflict veterans left service.

The Nation recently honored the World War II generation with the dedication of the World War II Memorial in Washington, and with celebrations of the 60th anniversary of the Normandy invasion. Just last year, we marked the 50th anniversary of the end of the Korean conflict. While the fan fare surrounding these events has waned, our efforts on behalf of veterans of these wars must not. It is imperative we make final attempts to let them, and their families, known of the benefits to which they are entitled. The legislation provides a first step to that end. I ask my colleagues for their support, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROGRAM OF OUTREACH TO VETERANS OF WORLD WAR II AND KOREAN CONFLICT ON VETERANS BENEFITS.

(a) FINDINGS.—Congress makes the following findings:

(1) Veterans of World War II and the Korean conflict represent 31.6 percent of the current population of veterans. However, veterans of World War II and the Korean conflict represent only 23.2 percent of the total number of veterans currently receiving disability compensation from the Department of Veterans Affairs.

(2) Veterans of World War II and the Korean conflict who receive disability compensation have, on average, 1.94 and 2.12 disabilities per veteran, respectively, whereas veterans of the Vietnam era and the Persian Gulf War who receive disability compensation have, on average, 2.88 and 3.48 disabilities per veteran, respectively.

(3) Advances in medical science and technology have improved the understanding of the origins of diseases and disabilities which are associated with military service, including diseases and disabilities that manifest long after the completion of military service.

(4) Unlike veterans of later periods, veterans of World War II and the Korean conflict did not have the benefit of extensive transition assistance and outreach services now routinely provided by the Department and other government agencies.

(5) Veterans of World War II and the Korean conflict are dying at the aggregate rate of 1,400 per day.

(6) It is in the interest of the Nation that the Secretary make every effort to inform veterans of World War II and the Korean conflict of the benefits to which they may be entitled.

(b) OUTREACH.—(1) The Secretary of Veterans Affairs shall carry out a program to provide outreach to veterans of World War II and of the Korean conflict on the nature and availability of benefits for veterans.

(2) The purpose of the program is to make veterans of World War II and of the Korean conflict aware of the veterans benefits to which they may be entitled and to encourage such veterans to apply for such benefits.

(3)(A) The program shall include a nationwide public service campaign consisting of such elements, and appearing in and through such media, as the Secretary considers appropriate for the program.

(B) Of the amount authorized to be appropriated by subsection (e) for the program, \$35,000,000 shall be available for the public service campaign described in subparagraph (A).

(4) As part of the program, the Secretary shall establish performance measures for the outreach under the program to permit the on-going evaluation of the extent and success of the outreach under the program.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the program under this section. The report shall include the following:

(1) A description of the program, including a detailed description of the outreach conducted under the program.

(2) A statement of the amount expended on the program.

(3) An assessment of the effectiveness of the program.

(d) DEFINITIONS.—In this section, the terms "World War II" and "Korean conflict" have the meanings given such terms in section 101 of title 38, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out this section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3576. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3576. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Government Reorganization Act of 2004".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust"), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the "Apology Resolution") was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction;

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional

rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001

sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.**—The term “aboriginal, indigenous, native people” means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) **ADULT MEMBER.**—The term “adult member” means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) **APOLOGY RESOLUTION.**—The term “Apology Resolution” means Public Law 103-150, (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) **COMMISSION.**—The term “commission” means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in section 3(8).

(5) **COUNCIL.**—The term “council” means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) **INDIGENOUS, NATIVE PEOPLE.**—The term “indigenous, native people” means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) **INTERAGENCY COORDINATING GROUP.**—The term “Interagency Coordinating Group” means the Native Hawaiian Interagency Coordinating Group established under section 6.

(8) **NATIVE HAWAIIAN.**—For the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term “Native Hawaiian” means—

(A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(9) **NATIVE HAWAIIAN GOVERNING ENTITY.**—The term “Native Hawaiian Governing Entity” means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(10) **OFFICE.**—The term “Office” means the United States Office for Native Hawaiian Relations established under section 5(a).

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the Department of the Interior.

SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) **POLICY.**—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Ha-

waiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) **PURPOSE.**—The purpose of this Act is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) **ESTABLISHMENT.**—There is established within the Office of the Secretary of the United States Office for Native Hawaiian Relations.

(b) **DUTIES.**—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, the Governor of the State of Hawaii and relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) **ESTABLISHMENT.**—In recognition that Federal programs authorized to address the

conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the “Native Hawaiian Interagency Coordinating Group”.

(b) **COMPOSITION.**—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) **LEAD AGENCY.**—

(1) **IN GENERAL.**—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) **MEETINGS.**—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) **DUTIES.**—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) ensure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, consultation with the Native Hawaiian governing entity; and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) **RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.**—The right of the Native Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) **COMMISSION.**—

(1) **IN GENERAL.**—There is authorized to be established a Commission to be composed of nine members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(8).

(2) **MEMBERSHIP.**—

(A) **APPOINTMENT.**—Within 180 days of the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subclause (B). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(B) **REQUIREMENTS.**—The members of the Commission shall be Native Hawaiian, as defined in section 3(8), and shall have expertise in the determination of Native Hawaiian ancestry and lineal descendancy.

(3) **EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(8).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States.

(C) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(8) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(8).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(8);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to subclauses (i) and (ii) in the Federal Register;

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of

Native Hawaiian in section 3(8), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(8) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(8), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(8) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal;

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(8) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the three governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the three governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103-454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3, 73 Stat. 5), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations

with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii; and

(E) any residual responsibilities of the United States and the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties shall submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the three governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the three governments.

(c) CLAIMS.—

(1) IN GENERAL.—Nothing in this Act serves as a settlement of any claim against the United States.

(2) STATUTE OF LIMITATIONS.—Any claim against the United States arising under Federal law that—

(A) is in existence on the date of enactment of this Act;

(B) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and

(C) relates to the legal and political relationship between the United States and the Native Hawaiian people;

shall be brought in the court of jurisdiction over such claims not later than 20 years after the date on which Federal recognition is extended to the Native Hawaiian governing entity under section 7(c)(6).

SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—Nothing in this Act shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) BUREAU OF INDIAN AFFAIRS.—Nothing contained in this Act provides an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for the programs or services.

SEC. 10. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

NOTICES OF HEARINGS/MEETINGS COMMITTEE ON INDIAN AFFAIRS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 14th at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2532, to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, NV, and for other purposes; S. 2723, to designate certain land in the State of Oregon as wilderness, and for other purposes; and S. 2709, to provide for the reforestation of appropriate forest cover on forest land derived from the public domain, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at 202-224-7574 Frank Gladics at 202-224-2878 or Amy Millet at 202-224-8276.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 7, 2004 at 2:30 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. I ask unanimous consent Milan Dalal of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel: