IN THE SENATE OF THE UNITED STATES

Mr. McCain (for himself, Mr. Lieberman; Mr. Specter, Mr. Bayh,
____________________________ ) introduced the following bill; which was read twice
and referred to the Committee on ____________________________

A BILL

To implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and
for other purposes.

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

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the “9/
5 11 Commission Report Implementation Act of 2004”.
6 (b) TABLE OF CONTENTS.—The table of contents of
7 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. 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. 175. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
Sec. 176. Repeal of superseded authorities.
Sec. 178. Conforming amendments relating to dual service of certain officials as Deputy National Intelligence Directors.

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. 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.
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 At-
torney General, or otherwise as expressly pro-
vided for in this title.

(6) The term “National Intelligence
Program”—

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

(ii) includes all programs, projects, and ac-
tivities (whether or not pertaining to national
intelligence) of the National Intelligence Au-
thority, 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 Infra-
structure 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 activ-
ity 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 com-
mittees” 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 here-
by established as an independent establishment in the ex-
cutive branch of government the National Intelligence
Authority.

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

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

(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 re-
   lating to intelligence responsibilities.

   (3) To provide for the operation of the National
   Counterterrorism Center and the national intel-
   ligence centers under subtitle C.

   (4) To eliminate barriers in the conduct of the
   counterterrorism activities of the United States Gov-
   ernment between foreign intelligence activities con-
   ducted inside and outside the United States while
   ensuring the protection of civil liberties.

   (5) To establish clear responsibility and ac-
   countability for counterterrorism and other intel-
   ligence 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 Presi-
dent. 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 AUTHORITY.—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.

3 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.

(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.

e) 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:


(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 Na-
tional Intelligence Council shall—

(A) subject to paragraph (2), produce national
intelligence estimates for the United States Govern-
ment, including, whenever the Council considers ap-
propriate, alternative views held by elements of the
intelligence community;

(B) evaluate community-wide collection and
production of intelligence by the intelligence commu-
nity and the requirements and resources of such col-
lection 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 na-
tional intelligence estimate under paragraph (1)—

(A) states separately, and distinguishes be-
tween, the intelligence underlying such estimate and
the assumptions and judgments of analysts with re-
spect 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 policy-
making officials and other appropriate individuals not oth-
erwise associated with the intelligence community.

(h) SUPPORT.—The heads of the elements of the in-
telligence 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 INTEL-
LIGENCE AUTHORITY.

(a) GENERAL COUNSEL OF NATIONAL INTEL-
LIGENCE AUTHORITY.—There is a General Counsel 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.

(b) PROHIBITION ON DUAL SERVICE AS GENERAL
COUNSEL OF ANOTHER AGENCY.—The individual serving
in the position of General Counsel of the National Intel-
ligence 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 commu-
nity;

(2) provide leadership and recommend policies
designed to promote economy, efficiency, and effec-
tiveness 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 ad-
ministration 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 relation-
ships, as well as the necessity for, and the progress
of, corrective actions.

(e) Inspector General of National Intel-
ligence 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 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.

(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 employees 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 assist-
ance 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 semianual 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 infor-
mation relevant to the performance of the functions
of the Inspector General.

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

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

(C) Not later than 30 days after the date of the sub-
mittal of a report under subparagraph (A), the Director
shall transmit the report to the congressional intelligence
committees together with any comments the Director con-
siders appropriate.

(2)(A) The Inspector General shall report imme-
diately to the Director whenever the Inspector General be-
comes aware of particularly serious or flagrant problems,
abuses, or deficiencies relating to the administration of
programs or operations of the Authority or regarding rela-
tionships among the elements of the intelligence commu-
nity 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 cur-
rent 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 com-
plaint 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, with-
in seven calendar days of such receipt, forward such trans-
mittal to the congressional intelligence committees, to-
gether with any comments the Director considers appro-
priate.

(D)(i) If the Inspector General does not find credible
under subparagraph (B) a complaint or information sub-
mitted 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 intel-
ligence committees directly.

(ii) An employee may contact the intelligence commit-
tees 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 state-
ment 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 con-
cerning 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 oper-
ation of an intelligence activity.

(iii) An action, including a personnel action de-
scribed in section 2302(a)(2)(A) of title 5, United
States Code, constituting reprisal or threat of re-
prisal prohibited under subsection (f)(3)(B) of this
section in response to an employee’s reporting an ur-
gent 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 At-
torney 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 In-
telligence Director shall, in accordance with procedures to
be issued by the Director in consultation with the congres-
sional intelligence committees, include in the National In-
telligence Program budget a separate account for the Of-
lice of Inspector General of the National Intelligence Au-

SEC. 118. INTELLIGENCE COMPTROLLER.

(a) INTELLIGENCE COMPTROLLER.—There is an In-
telligence 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 an-
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 pre-
scribed 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), un-
less, in the determination of the Inspector General
of the National Intelligence Authority, the review,
investigation, or assessment of a particular com-
plaint or information can better be conducted by the
Inspector General; and

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

SEC. 120. PRIVACY OFFICER OF THE NATIONAL INTEL-
LIGENCE AUTHORITY.

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

(b) DUTIES.—The Privacy Officer of the National In-
teLLIGENCE Authority shall have primary responsibility for
the privacy policy of the National Intelligence Authority,
including—

(1) assuring that the use of technologies sus-
tain, and do not erode, privacy protections relating
to the use, collection, and disclosure of personal in-
formation;

(2) assuring that personal information con-
tained 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 pre-
scribed by the Director or specified by law.

SEC. 121. CHIEF INFORMATION OFFICER OF THE NATIONAL
INTELLIGENCE AUTHORITY.

(a) CHIEF INFORMATION OFFICER OF NATIONAL IN-
TELLIGENCE 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 informa-
tion technology network, as required by section
132(a)(14);

(2) develop an enterprise architecture for the
intelligence community and assist the Director in en-
suring 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 de-
rived from electronic surveillance or physical
searches under that Act is disseminated so it may be
used efficiently and effectively for foreign intel-
ligence purposes, except that the Director shall have
no authority to direct, manage, or undertake elec-
tronic surveillance or physical search operations pur-
suant 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 applica-
ble to the intelligence community that—

(A) facilitate assignments and details of
personnel to the National Counterterrorism
Center under section 141, to national intel-
ligence centers under section 142, and across
agency lines;

(B) set standards for education and train-
ing;

(C) ensure that the personnel of the intel-
ligence community is sufficiently diverse for
purposes of the collection and analysis of intel-
ligence by ensuring the recruitment and train-
ing 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, in-
cluding directing the reprogramming and realloca-
tion 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 Intel-
ligence 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 enact-
ment 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 Pro-
gram.

(d) BUDGET AUTHORITIES.—(1)(A) The National
Intelligence Director shall direct, coordinate, 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 commu-
nity 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 recommend 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 para-
graph (2), the National Intelligence Director shall obtain
the concurrence of the Secretary of Defense before recom-
mending 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 recommenda-
tion to the President without the concurrence of the Sec-
etary, but shall include in the recommendation a state-
ment that the Secretary does not concur in the rec-
ommendation.

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

(A) The Director of the National Security
Agency.

(B) The Director of the National Reconnais-
sance Office.

(C) The Director of the National Geospatial-In-
telligence Agency.

(c) CONCURRENCE OF NID IN CERTAIN APPOINT-
MENTS.—(1) In the event of a vacancy in a position re-
ferred 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 be-
fore appointing an individual to fill the vacancy or recom-
mending 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 matters relating to terrorism that threatens the national security of the United States.

(e) 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 de-
partments, 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 Cen-
ter 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 Di-
rector, 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 re-
sponsibilities of the Director under this section, the Direc-
tor shall employ and utilize in the National
Counterterrorism Center a professional staff having an ex-
pertise in matters relating to such duties and responsibil-
ities.

(3) In providing for a professional staff for the Na-
tional Counterterrorism Center under paragraph (2), the
Director of the National Counterterrorism Center may es-

tablish 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 In-
telligence Director, that the analytical staff of the Na-
tional Counterterrorism Center is comprised primarily of
experts from elements in the intelligence community and
from such other personnel in the United States Govern-
ment 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.

e) 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 com-
munity 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 depart-
ments, 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 re-
quirements 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 suf-
ficient authority, direction, and control over the center to
effectively accomplish the mission of the center.

(d) MISSION OF CENTERS.—(1) Each national intel-
ligence center shall provide all-source analysis of intel-
ligence and propose intelligence collection requirements in
the area of intelligence responsibility assigned to the cen-
ter by the National Intelligence Director pursuant to intel-
ligence 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.
(c) 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 Agency 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 author-
ity 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 pro-
visions 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 fol-
lowing new subclause:

“(XIV) the National Intelligence Author-
ity; 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 sub-
paragraph:

“(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.”.

(e) 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 re-
quested 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 re-
quested 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 in-
telligence 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.”.

(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 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 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 ca-
reer 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 prac-
ticable, ensure that the successful completion of advanced
training courses, and of one or more assignments to an-
other element of the intelligence community, is a pre-
condition 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 Invest-
tigation 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 en-
sure the integration of analysts, agents, linguists, and sur-
veillance personnel in the field.
(c) 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 semianual 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 admin-
istrative action as the Director considers appropriate.

Subtitle F—Conforming and Other Amendments

SEC. 171. RESTATEMENT AND MODIFICATION OF BASIC AU-
THORITY 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 Intel-
ligence Agency is to assist the Director of the Central In-
telligence Agency in carrying out the responsibilities speci-
fied in section 103(c).

“DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 103. (a) DIRECTOR OF CENTRAL INTEL-
LIGENCE AGENCY.—(1) There is a Director of the Central
Intelligence Agency who shall be appointed by the Presi-
dent, 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 Na-
tional Intelligence Authority Act of 2004 and, in that ca-
pacity, 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.

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(e)).

(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. 404l(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)).


(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)).

(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).

(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(e) (50 U.S.C. 403t(e)).

(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 inserting “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.
(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 In-
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.—


(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 (l), by striking “Office of the Director of Central Intelligence” and inserting “Office of the National Intelligence Director”.


(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) Repeal.—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, counternarcotics, 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 (e) 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 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) in subsection (b)—

(A) by inserting “(1)” after “(a)” ; and

(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 indi-
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 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 Au-

thority 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 Cen-
tral 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 Intel-
ligence Director.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD
OF CIA.—Any reference to the Director of Central Intel-
ligence or the Director of the Central Intelligence Agency
in the Director’s capacity as the head of the Central Intel-
ligence 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 ref-
ERENCE 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 over-classification 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.

(e) INFORMATION SHARING NETWORK.—

(1) ESTABLISHMENT.—The President shall es-
ablish 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, in-
cluding owners and operators of critical infrastruc-
ture, by using policy guidelines and technologies that
support—

(A) a decentralized, distributed, and co-
ordinated 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 informa-
tion and unnecessary requirements for origi-
nator approval; and

(B) providing affirmative incentives for in-
formation sharing, such as the incorporation of
information sharing performance measures into
agency and managerial evaluations, and em-
ployee awards for promoting innovative infor-
mation 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 pro-
posed Network, including functions, capabilities, and
resources;

(2) a description of the technological, legal, and
policy issues presented by the creation of the Net-
work 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 informa-
tion from owners and operators of critical infra-
structure, 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 Gov-
ernment 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 de-
department or agency has performed on the objec-
tive measures developed under paragraph (1);

(B) the department’s or agency’s expendi-
tures to implement and comply with the Net-
work’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 require-
ments 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 oth-
erwise participates in the Network shall, at the dis-
cretion 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 oper-
ations; 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 sub-
section (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 secu-

rity positions through the level of undersecretary of cabi-
net departments as soon as possible after the date of the
general elections held to determine the electors of Presi-
dent 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 accord-
ing to uniform standards, including uniform sec-

urity questionnaires and financial disclosure

requirements.

(E) POLYGRAPHS.—The President shall di-
rect 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 proce-
dures for the grant of access to classified infor-

mation to any officer or employee of any agency
or department of the United States and to em-
ployees of contractors of those agencies and de-
partments;

(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 com-
munity are recognized by all elements of the in-
telligence community, and under contracts en-
tered 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.


(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 assess-
ment 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.

(e) 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 di-
rect 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 sec-
tion 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 sec-
tion 541 of the Foreign Assistance Act of 1961
(22 U.S.C. 2347), $2,000,000.

(G) For Foreign Military Financing Pro-
gram grants to carry of 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 as-
sistance to Afghanistan.

(3) Conditions for assistance.—Assistance
provided by the President under this subsection—

(A) shall be consistent with the Afghan-
stan 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:
Despite a long history of friendly relations with the United States, Saudi Arabia has been a problematic ally in combating Islamic extremism.

Cooperation between the Governments of the United States and Saudi Arabia has traditionally been carried out in private.

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.

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.

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 be-
tween 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 ex-
panding collaboration with the Government of Saudi
Arabia on subjects of mutual interest and of impor-
tance to the United States.

(2) SCOPE.—As part of this strategy, the Presi-
dent shall consider the utility of undertaking a peri-
odic, 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 sub-
section 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 Na-
tional 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 in-
formed 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 out-
weighed 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 participation, 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;
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.

(e) 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 Is-
lands, the Commonwealth of the Northern Mariana Islands, American Samoa, or any other territory or possession of the United States.

(4) United States Sponsoring Organization.—The term “United States sponsoring organization” means a nongovernmental organization that is—

(A) based in the United States; and

(B) controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by subsection (e).

(d) Expansion of Educational and Cultural Exchanges.—

(1) Purpose.—The purpose of this subsection is to provide for the expansion of international educational and cultural exchange programs between the United States and eligible countries.

(2) Specific Programs.—In carrying out this subsection, the Secretary is authorized to conduct or initiate programs in eligible countries as follows:

(A) Fulbright Exchange Program.—

(i) Increased Number of Awards.—The Secretary is authorized to
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 sub-
stantially 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 es-
ablishment of sister institution programs be-
tween cities and municipalities and other insti-
tutions in the United States and in eligible
countries in order to enhance mutual under-
standing at the community level.

(D) LIBRARY TRAINING EXCHANGES.—The
Secretary is authorized to develop a demonstra-
tion 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 scholarships 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 sub-
section, the term “eligible student” means an indi-
vidual 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 char-
acter, and scholastic aptitude, and has the pro-
ficiency in the English language necessary to
participate in the program;

(F) has not previously participated in an
exchange program in the United States spon-
sored by the Government of the United States;

and

(G) is not prohibited from entering the
United States under any provision of the Immi-
igration 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 non-immigrant 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 Sec-
retary 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 re-
quests for such visas; and

(B) a proposed schedule for implementing
any recommendations described in subpara-
graph (A).

(g) Authorization of Appropriations.—Of the
amounts authorized to be appropriated for educational
Sec. 508. 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 De-
velopment, 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 pro-
moting a system of education that teaches toler-
ance, the dignity and value of each individual,
and respect for different beliefs.

(4) USE OF FUNDS.—Financial assistance pro-
vided 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 mod-
ern education techniques, and promoting public edu-
cation 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.

(e) 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:
Almost every aspect of the counterterrorism strategy of the United States relies on international cooperation.

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 Na-
tional Commission on Terrorist Attacks Upon the United
States, Congress makes the following findings:

(1) Carrying out the global war on terrorism re-
quires 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 Au-
gust 12, 1949 (6 UST 3316) was specifically de-
signed 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 TREAT-
MENT OR PUNISHMENT.—The term “cruel, inhuman,
or degrading treatment or punishment” means the
cruel, unusual, and inhumane treatment or punish-
ment 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.—
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(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 Con-
gress that—

(1) the primary weapon in the effort to stop
terrorist financing should be the targeting of ter-
rorist financial facilitators by intelligence and law
enforcement agencies; and

(2) efforts to track terrorist financing must be
paramount in United States counter-terrorism ef-
forts.

(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 evalu-
ating 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 (e)(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 ter-
rorist travel intelligence and documentation ob-
tained at consulates and ports of entry, and by
law enforcement officers and military personnel;

(H) the use of foreign and technical assist-
ance to advance border security measures and
law enforcement operations against terrorist
travel facilitators;

(I) the development of a program to pro-
vide each consular, port of entry, and immigra-
tion benefits office with a counterterrorist travel
expert trained and authorized to use the rel-
evant authentication technologies and cleared to
access all appropriate immigration, law enforce-
ment, and intelligence databases;

(J) the feasibility of digitally transmitting
passport information to a central cadre of spe-
cialists until such time as experts described
under subparagraph (I) are available at con-
sular, 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 Sec-
retary of State, shall submit to Congress a plan de-
scribing how the Department of Homeland Security
and the Department of State can acquire and de-
ploy, to all consulates, ports of entry, and immigra-
tion benefits offices, technologies that facilitate doc-
ument 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 infra-
structure 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.

(e) 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 re-
quirements for secure identification.

(3) REQUIREMENTS.—In promulgating stand-
ards for screening procedures, the Secretary shall—

(A) consider and incorporate appropriate
civil liberties and privacy protections;

(B) comply with the Administrative Proce-
dure Act; and

(C) consult with other Federal, State,
local, and tribal governments, and other inter-
ested parties, as appropriate.

(4) LIMITATION.—This section does not confer
to the Secretary new statutory authority, or alter ex-
isting authorities, over systems, critical infrastruc-
ture, and facilities.

(5) NOTIFICATION.—If the Secretary deter-
dines that additional regulatory authority is needed
to fully implement the plan for an integrated screen-
ing 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 subclause (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.

(e) 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.

(c) EXPEDITING REGISTERED TRAVELERS ACROSS INTERNATIONAL BORDERS.—

(1) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks 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
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.

(c) 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 iden-
tification 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 Sec-
retary of State, shall develop and implement a plan
as expeditiously as possible to require biometric
passports or other identification deemed by the Sec-
retary to be at least as secure as a biometric pass-
port, 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 Im-
migration and Nationality Act (8 U.S.C.
1182(d)(4)(B)).
(2) REQUIREMENT TO PRODUCE DOCUMENTA-
TION.—The plan developed under paragraph (1)
shall require all United States citizens, and cat-
egories of individuals for whom documentation re-
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 com-
ply 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 Sec-
etary shall by regulation establish minimum stand-
ard 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 driv-
er’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 appli-
cations 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 dig-
ital 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 orga-
nization 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 mean-
SECTIONS 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 utilities, 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 Na-
tional Strategy for Transportation Security shall in-
clude, as an integral part or as an appendix—

(A) the current National Maritime Trans-
portation Security Plan under section 70103 of
title 46, United States Code;

(B) the report of the Secretary of Trans-
portation under section 44938 of title 49,
United States Code; and

(C) any other transportation security plan
or report that the Secretary of Homeland Secu-
rit y determines appropriate for inclusion.

SEC. 703. USE OF WATCHLISTS FOR PASSENGER AIR

TRANSPORTATION SCREENING.

(a) IN GENERAL.—The Secretary of Homeland Secu-
rit y, acting through the Transportation Security Adminis-
tration, as soon as practicable after the date of the enact-
ment 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 car-
rrier or foreign air carrier in air transportation or
intrastate air transportation for flights and flight
segments originating in the United States with a
 comprehensive, consolidated database containing in-
 formation 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 terror-
ists and their associates from boarding such flights
or flight segments or to subject them to specific ad-
ditional 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 pro-
vide 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 Direc-
tor of the Federal Bureau of Investigation, shall de-
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 de-
signed 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 air-
ports, 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,
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 Depart-
ment 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 Sec-
(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 Na-
tional Commission on Terrorist Attacks Upon the United
States, Congress makes the following findings:

(1) The attacks on September 11, 2001, dem-
onstrated that even the most robust emergency re-
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 re-
response to a terrorist attack.

(3) Key decision makers who are represented at
the incident command level help to ensure an effec-
tive response, the efficient use of resources, and re-
ponder safety.

(4) Regular joint training at all levels is essen-
tial to ensuring close coordination during an actual
incident.

(5) Beginning with fiscal year 2005, the De-
partment of Homeland Security is requiring that en-
tities 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 Coordina-
tion 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 pre-planned 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 en-
gaged 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 pro-
cedures 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 Dis-
trict of Columbia, the Federal Government, the
State of Maryland, the Commonwealth of Virginia,
or a locality, or failure to render such aid or on ac-
count 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 mis-
conduct, gross negligence, or recklessness.

(B) EXCEPTION.—No State or locality, or
its officers or employees, rendering aid to an-
other 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, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.
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members of such forces if such members sustain in-
juries or are killed while rendering aid to the Dis-
trict of Columbia, the Federal Government, the
State of Maryland, the Commonwealth of Virginia,
or a locality, under a Mutual Aid Agreement or en-
gaged 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 respond-
ing party evidencing the meeting of qualifications for pro-
fessional, mechanical, or other skills and assistance is re-
quested 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.—Notwith-
standing subparagraph (B), the Commission
shall not grant any extension under such sub-
paragraph from the limitation of subparagraph
(A) with respect to the frequencies assigned,
under section 337(a)(1), for public safety serv-
ices. The Commission shall take all actions nec-
essary to complete assignment of the electro-
magnetic spectrum between 764 and 776 mega-
hertz, inclusive, and between 794 and 806
megahertz, inclusive, for public safety services
and to permit operations by public safety serv-
ces 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 CA-
PABILITIES.

“The Secretary, in consultation with the Federal
Communications Commission and the Secretary of De-
fense, and with appropriate governors, mayors, and other
State and local government officials, shall encourage and
support the establishment of consistent and effective com-
munications capabilities in the event of an emergency in
urban areas determined by the Secretary to be at consist-
ently 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 amend-
ed 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.”.

(e) SENSE OF CONGRESS.—It is the sense of Congress that insurance and credit-rating industries 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 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, conclu-
sions, and recommendations of the Board re-
sulting from its advice and oversight functions
under subsection (d).

(f) INFORMING THE PUBLIC.—The Board shall
hold public hearings, release public reports, and oth-
erwise inform the public of its activities, as appro-
priate and in a manner consistent with the protec-
tion of classified information and applicable law.

(g) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the
Board to be necessary to carry out its responsibil-
ities under this section, the Board may—

(A) secure directly from any Federal exec-
utive department or agency, or any Federal of-
fer or employee, all relevant records, reports,
audits, reviews, documents, papers, or rec-
ommendations, 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.
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(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 chap-
ter 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.

(l) 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 per-
form 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 de-
partment 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.