

Calendar No. 598

109TH CONGRESS
2^D SESSION

S. 3875

To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7 (legislative day, SEPTEMBER 6), 2006

Mr. REID (for himself and Mr. DURBIN) introduced the following bill; which was read the first time

SEPTEMBER 8, 2006

Read the second time and placed on the calendar

A BILL

To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, 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.**

4 This Act may be cited as the “Real Security Act of
5 2006”.

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
2 **CONTENTS.**

3 (a) DIVISIONS.—This Act is organized into five divi-
4 sions as follows:

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION
RECOMMENDATIONS

DIVISION B—COMBATTING TERRORISM

DIVISION C—INTELLIGENCE AUTHORIZATIONS

DIVISION D—TRANSPORTATION SECURITY

DIVISION E—A NEW DIRECTION IN IRAQ

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—IMPLEMENTATION OF 9/11 COMMISSION
RECOMMENDATIONS

Sec. 101. Short title.

Sec. 102. Definition of 9/11 Commission.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS
AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

Sec. 101. Adequate radio spectrum for first responders.

Sec. 102. Report on establishing a unified incident command system.

Sec. 103. Report on completing a national critical infrastructure risk and
vulnerabilities assessment.

Sec. 104. Private sector preparedness.

Sec. 105. Relevant congressional committees defined.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

Sec. 111. Short title.

Sec. 112. Findings.

Sec. 113. Faster and Smarter Funding for First Responders.

Sec. 114. Superseded provision.

Sec. 115. Oversight.

Sec. 116. GAO report on an inventory and status of Homeland Security first
responder training.

Sec. 117. Removal of civil liability barriers that discourage the donation of fire
equipment to volunteer fire companies.

Subtitle B—Transportation Security

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

Subtitle C—Border Security

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

Subtitle D—Homeland Security Appropriations

- Sec. 141. Homeland security appropriations.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

- Sec. 201. Report on director of national intelligence.
- Sec. 202. Report on national counterterrorism center.
- Sec. 203. Report on creation of a Federal Bureau of Investigation national security workforce.
- Sec. 204. Report on new missions for the Director of the Central Intelligence Agency.
- Sec. 205. Report on incentives for information sharing.
- Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
- Sec. 207. Homeland airspace defense.
- Sec. 208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
- Sec. 209. Relevant congressional committees defined.

Subtitle B—Civil Liberties and Executive Power

- Sec. 211. Report on the balance between security and civil liberties.
- Sec. 212. Privacy and Civil Liberties Oversight Board.
- Sec. 213. Set privacy guidelines for Government sharing of personal information.
- Sec. 214. Relevant congressional committees defined.

Subtitle C—Intelligence Oversight Reform in the Senate

- Sec. 231. Subcommittee related to intelligence oversight.
- Sec. 232. Subcommittee related to intelligence appropriations.
- Sec. 233. Effective date.

Subtitle D—Standardize Security Clearances

- Sec. 241. Standardization of security clearances.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND
NONPROLIFERATION

Subtitle A—Foreign Policy

- Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
- Sec. 302. Actions to support Pakistan against extremists.
- Sec. 303. Actions to support reform in Saudi Arabia.
- Sec. 304. Elimination of terrorist sanctuaries.
- Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
- Sec. 306. Standards for the detention and humane treatment of captured terrorists.
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- Sec. 311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.
- Sec. 312. International broadcasting.
- Sec. 313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.
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- Sec. 321. Short title.
- Sec. 322. Findings.
- Sec. 323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.
- Sec. 324. Removal of restrictions on Cooperative Threat Reduction programs.
- Sec. 325. Removal of restrictions on Department of Energy nonproliferation programs.
- Sec. 326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.
- Sec. 327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.
- Sec. 328. Special reports on adherence to arms control agreements and nonproliferation commitments.
- Sec. 329. Presidential report on impediments to certain nonproliferation activities.
- Sec. 330. Enhancement of Global Threat Reduction Initiative.
- Sec. 331. Expansion of Proliferation Security Initiative.
- Sec. 332. Sense of Congress relating to international security standards for nuclear weapons and materials.
- Sec. 333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.
- Sec. 334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.
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- Sec. 336. Strengthening the Nuclear Nonproliferation Treaty.
- Sec. 337. Definitions.

DIVISION B—COMBATTING TERRORISM.

- Sec. 1001. Short title.

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- Sec. 1101. Sense of Congress on Special Operations forces and related matters.
- Sec. 1102. Foreign language expertise.
- Sec. 1103. Curtailing terrorist financing.
- Sec. 1104. Prohibition on transactions with countries that support terrorism.
- Sec. 1105. Comptroller General report on United Kingdom and United States anti-terrorism policies and practices.
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TITLE XII—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

- Sec. 1201. Findings, policy, and definition.
- Sec. 1202. Annual report to Congress.
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Subtitle B—Democracy and Development in the Muslim World

- Sec. 1211. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
- Sec. 1212. Middle East Foundation.

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- Sec. 1222. Department of State public diplomacy programs.
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- Sec. 1224. National Commission To Review Policy Regarding the Treatment of Detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

- Sec. 1231. Afghanistan.
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TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTI- LIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

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- Sec. 1301. Repeal of limitations to threat reduction assistance.
- Sec. 1302. Russian tactical nuclear weapons.
- Sec. 1303. Additional assistance to accelerate Non-Proliferation programs.
- Sec. 1304. Additional assistance to the International Atomic Energy Agency.

Subtitle B—Border Protection

- Sec. 1311. Findings.
- Sec. 1312. Hiring and training of border security personnel.

Subtitle C—First Responders

- Sec. 1321. Findings.
- Sec. 1322. Restoration of justice assistance funding.

- Sec. 1323. Providing reliable officers, technology, education, community prosecutors, and training in Our Neighborhood Initiative.

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TITLE XXIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

- Sec. 2301. Increase in employee compensation and benefits authorized by law.
 Sec. 2302. Restriction on conduct of intelligence activities.
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 Sec. 2308. Increase in penalties for disclosure of undercover intelligence officers and agents.
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- Sec. 2311. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
- Sec. 2312. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
- Sec. 2313. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005.
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- Sec. 2402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
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- Sec. 2404. Additional administrative authority of the Director of National Intelligence.
- Sec. 2405. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
- Sec. 2406. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
- Sec. 2407. Appointment and title of Chief Information Officer of the Intelligence Community.
- Sec. 2408. Inspector General of the Intelligence Community.
- Sec. 2409. Leadership and location of certain offices and officials.
- Sec. 2410. National Space Intelligence Center.
- Sec. 2411. Operational files in the Office of the Director of National Intelligence.
- Sec. 2412. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
- Sec. 2413. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
- Sec. 2414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
- Sec. 2415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
- Sec. 2416. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

- Sec. 2421. Director and Deputy Director of the Central Intelligence Agency.
- Sec. 2422. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
- Sec. 2423. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
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- Sec. 3114. Foreign port assessments.
- Sec. 3115. Pilot program to improve the security of empty containers.
- Sec. 3116. Domestic radiation detection and imaging.
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- Sec. 3118. Authorization for customs and border protection personnel.
- Sec. 3119. Strategic plan.
- Sec. 3120. Resumption of trade.
- Sec. 3121. Automated targeting system.
- Sec. 3122. Container security initiative.
- Sec. 3123. Customs-trade partnership against terrorism validation program.
- Sec. 3124. Technical requirements for non-intrusive inspection equipment.
- Sec. 3125. Random inspection of containers.
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- Sec. 3202. Rail Transportation security risk assessment.
- Sec. 3203. Systemwide Amtrak security upgrades.
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- Sec. 3206. Rail security research and development.
- Sec. 3207. Oversight and grant procedures.
- Sec. 3208. Amtrak plan to assist families of passengers involved in rail passenger accidents.
- Sec. 3209. Northern border rail passenger report.
- Sec. 3210. Rail worker security training program.
- Sec. 3211. Whistleblower protection program.
- Sec. 3212. High hazard material security threat mitigation plans.
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- Sec. 3215. Public awareness.
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- Sec. 3302. Findings.
- Sec. 3303. Security assessments.
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- Sec. 4001. United States policy on Iraq.
- Sec. 4002. Sense of Senate on need for a new direction in Iraq policy and in the civilian leadership of the Department of Defense.

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- Sec. 4101. Findings.
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- Sec. 4110. Sense of Senate on certain claims regarding the Coalition Provisional Authority.

1 **DIVISION I—IMPLEMENTATION**
 2 **OF 9/11 COMMISSION REC-**
 3 **COMMENDATIONS**

4 **SEC. 101. SHORT TITLE.**

5 This division may be cited as the “Ensuring Imple-
 6 mentation of the 9/11 Commission Report Act”.

7 **SEC. 102. DEFINITION OF 9/11 COMMISSION.**

8 In this division, the term “9/11 Commission” means
 9 the National Commission on Terrorist Attacks Upon the
 10 United States.

1 **TITLE I—HOMELAND SECURITY,**
2 **EMERGENCY PREPAREDNESS**
3 **AND RESPONSE**

4 **Subtitle A—Emergency**
5 **Preparedness and Response**

6 **CHAPTER 1—EMERGENCY**
7 **PREPAREDNESS**

8 **SEC. 101. ADEQUATE RADIO SPECTRUM FOR FIRST RE-**
9 **SPONDERS.**

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

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

18 “(E) **EXTENSIONS NOT PERMITTED FOR**
19 **CHANNELS (63, 64, 68 AND 69) REASSIGNED FOR**
20 **PUBLIC SAFETY SERVICES.**—Notwithstanding
21 subparagraph (B), the Commission shall not
22 grant any extension under such subparagraph
23 from the limitation of subparagraph (A) with
24 respect to the frequencies assigned, pursuant to
25 section 337(a)(1), for public safety services.

1 The Commission shall take all actions necessary
2 to complete assignment of the electromagnetic
3 spectrum between 764 and 776 megahertz, in-
4 clusive, and between 794 and 806 megahertz,
5 inclusive, for public safety services and to per-
6 mit operations by public safety services on those
7 frequencies commencing no later than January
8 1, 2007.”.

9 **SEC. 102. REPORT ON ESTABLISHING A UNIFIED INCIDENT**
10 **COMMAND SYSTEM.**

11 (a) REPORT; CERTIFICATION.—Not later than 30
12 days after the date of the enactment of this Act, and every
13 30 days thereafter, the Secretary of Homeland Security
14 shall submit to the relevant congressional committees a
15 report on the recommendations of the 9/11 Commission
16 and the policy goals of the Intelligence Reform and Ter-
17 rorism Prevention Act of 2004 (Public Law 108–458)
18 with respect to establishing a unified incident command
19 system. Such report shall include—

20 (1) a certification by the Secretary of Home-
21 land Security that such recommendations have been
22 implemented and such policy goals have been
23 achieved; or

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

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

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

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

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

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

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

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

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

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

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

23 (B) when the Secretary of Homeland Secu-
24 rity expects such recommendations to be imple-
25 mented and such policy goals to be achieved;
26 and

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

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

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

17 **SEC. 104. PRIVATE SECTOR PREPAREDNESS.**

18 The Comptroller General of the United States shall
19 submit to Congress by not later than 90 days after the
20 date of the enactment of this Act—

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

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

4 **SEC. 105. RELEVANT CONGRESSIONAL COMMITTEES DE-**
5 **FINED.**

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

13 **CHAPTER 2—ASSISTANCE FOR FIRST**
14 **RESPONDERS**

15 **SEC. 111. SHORT TITLE.**

16 This chapter may be cited as the “Faster and Smart-
17 er Funding for First Responders Act of 2006”.

18 **SEC. 112. FINDINGS.**

19 Congress makes the following findings:

20 (1) In order to achieve its objective of pre-
21 venting, minimizing the damage from, and assisting
22 in the recovery from terrorist attacks, the Depart-
23 ment of Homeland Security must play a leading role
24 in assisting communities to reach the level of pre-

1 paredness they need to prevent and respond to a ter-
2 rorist attack.

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

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

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

21 (5) While a discrete homeland security grant
22 making process is necessary to ensure proper focus
23 on the unique aspects of terrorism preparedness, it
24 is essential that State and local strategies for uti-
25 lizing such grants be integrated, to the greatest ex-

1 tent practicable, with existing State and local emer-
2 gency management plans.

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

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

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

23 (9) A national determination of essential capa-
24 bilities is needed to identify levels of State and local
25 government terrorism preparedness, to determine

1 the nature and extent of State and local first re-
2 sponder needs, to identify the human and financial
3 resources required to fulfill them, to direct funding
4 to meet those needs, and to measure preparedness
5 levels on a national scale.

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

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

19 (12) Public-private partnerships, such as the
20 partnerships between the Business Executives for
21 National Security and the States of New Jersey and
22 Georgia, can be useful to identify and coordinate pri-
23 vate sector support for State and local first respond-
24 ers. Such models should be expanded to cover all
25 States and territories.

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

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

16 **SEC. 113. FASTER AND SMARTER FUNDING FOR FIRST RE-**
 17 **SPONDERS.**

18 (a) IN GENERAL.—The Homeland Security Act of
 19 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is
 20 amended—

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

“TITLE XVIII—FUNDING FOR FIRST RESPONDERS

“Sec. 1801. Definitions.

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

“Sec. 1803. Covered grant eligibility and criteria.

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

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

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

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

1 and

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

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

5 **“SEC. 1801. DEFINITIONS.**

6 “In this title:

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

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

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

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

21 “(B) employs at least 10 full-time per-
22 sonnel in a law enforcement or emergency re-
23 sponse agency with the capacity to respond to

1 calls for law enforcement or emergency services;
2 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(c) STATE HOMELAND SECURITY PLANS.—

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

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

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

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

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

7 “(E) describes how the State intends—

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

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

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

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

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

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

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

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

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

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

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

3 “(e) APPLICATION FOR GRANT.—

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

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

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

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

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

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

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

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

23 “(E) if the applicant is a region—

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

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

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

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

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

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

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

19 “(5) REGIONAL APPLICATIONS.—

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

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

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

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

7 “(B) STATE REVIEW AND SUBMISSION.—

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

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

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

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

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

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

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

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

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

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

1 “(6) TRIBAL APPLICATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(a) FIRST RESPONDER GRANTS BOARD.—

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

25 “(A) the Secretary;

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

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

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

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

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

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

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

15 “(2) CHAIRMAN.—

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

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

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

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

3 “(c) PRIORITIZATION OF GRANT APPLICATIONS.—

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

21 “(2) CRITICAL INFRASTRUCTURE SECTORS.—

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

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

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

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

1 “(A) Biological threats.

2 “(B) Nuclear threats.

3 “(C) Radiological threats.

4 “(D) Incendiary threats.

5 “(E) Chemical threats.

6 “(F) Explosives.

7 “(G) Suicide bombers.

8 “(H) Cyber threats.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(c) REPORT.—

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

7 “(2) CONTENTS.—Each report shall—

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

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

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

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

1 the terrorism preparedness capabilities of first
2 responders; and

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

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

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

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

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

5 “(d) MEMBERSHIP.—

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

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

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

1 providing mental health care during emergency
2 response operations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(7) additional personnel costs resulting from—

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

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

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

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

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

8 “(A) \$1,000,000 per project; or

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

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

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

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

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

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

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

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

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

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

22 “(3) to acquire land; or

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

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

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

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

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

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

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

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

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

6 “(2) COST SHARING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(3) describing—

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

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

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

24 “(a) EQUIPMENT STANDARDS.—

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

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

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

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

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

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

5 “(A) Thermal imaging equipment.

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

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

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

12 “(E) Decontamination and sterilization
13 equipment.

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

17 “(G) Respiratory protection equipment.

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

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

23 “(J) Containment vessels.

24 “(K) Contaminant-resistant vehicles.

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

4 “(b) TRAINING STANDARDS.—

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

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

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

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

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

7 “(A) Regional planning.

8 “(B) Joint exercises.

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

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

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

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

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

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

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

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

6 “(2) the National Fire Protection Association;

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

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

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

13 “(6) the National Institute of Justice;

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

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

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

20 “(10) ASTM International;

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

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

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

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

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

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

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

1 **SEC. 115. OVERSIGHT.**

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

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

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

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

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

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

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

24 (2) recommendations to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Such report shall include—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Subtitle C—Border Security**

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

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

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

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

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

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

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

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

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

22 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “relevant congressional
24 committees” means the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
13 FINED.—In this section, the term “relevant congressional
14 committees” means the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
14 FINED.—In this section, the term “relevant congressional
15 committees” means the following:

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

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

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

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

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

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

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

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

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

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

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

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

1 plement such recommendations and achieve
2 such policy goals.

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

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

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

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

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

5 (1) USE IN UNITED STATES PASSPORTS.—

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

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

15 (2) USE IN FOREIGN PASSPORTS.—

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

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

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

6 (f) RELEVANT CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “relevant congressional
8 committees” means the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “relevant congressional
21 committees” means the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
 2 FINED.—In this section, the term “relevant congressional
 3 committees” means the following:

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

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

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

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

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

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

15 **Subtitle D—Homeland Security**
 16 **Appropriations**

17 **SEC. 141. HOMELAND SECURITY APPROPRIATIONS.**

18 The following sums are appropriated, out of any
 19 money in the Treasury not otherwise appropriated, for the
 20 Department of Homeland Security for the fiscal year end-
 21 ing September 30, 2007, and for other purposes, namely:

22 CUSTOMS AND BORDER PROTECTION

23 For an additional amount for “Salaries and Ex-
 24 penses”, \$571,000,000 for necessary expenses for border
 25 security, including for air asset replacement and air oper-
 26 ations facilities upgrade, the acquisition, lease, mainte-

1 nance, and operation of vehicles. construction, and radi-
2 ation portal monitors.

3 UNITED STATES CITIZENSHIP AND IMMIGRATION

4 SERVICES

5 For an additional amount for citizenship and immi-
6 gration services, \$87,000,000 for necessary expenses, in-
7 cluding for business transformation and fraud detection.

8 TRANSPORTATION SECURITY ADMINISTRATION

9 For an additional amount for “Aviation Security”,
10 \$305,000,000 for necessary expenses, of which—

11 (1) \$250,000,000 shall be made available for
12 aviation security, including the procurement of ex-
13 plosives monitoring equipment; and

14 (2) \$55,000,000 shall be made available for air
15 cargo security, including cargo canine teams and in-
16 spectors.

17 UNITED STATES COAST GUARD

18 For an additional amount for “Acquisition, Construc-
19 tion, and Improvements”, \$184,000,000 for necessary ex-
20 penses for the Integrated Deepwater Systems Program for
21 the purchase of ships, planes, and helicopters.

22 For an additional amount for “Operating Expenses”,
23 \$23,000,000 for necessary expenses for additional inspec-
24 tors at foreign and domestic ports.

1 OFFICE FOR DOMESTIC PREPAREDNESS

2 For an additional amount for “State and Local Pro-
3 grams”, \$2,880,000,000 for necessary expenses, of
4 which—

5 (1) \$790,000,000 shall be made available for
6 first responder grants;

7 (2) \$500,000,000 shall be made available for
8 interoperability grants;

9 (3) \$100,000,000 shall be made available for
10 chemical security grants;

11 (4) \$1,200,000,000 shall be made available for
12 rail security grants;

13 (5) \$190,000,000 shall be made available for
14 port security grants; and

15 (6) \$100,000,000 shall be made available for
16 emergency management performance grants.

17 FEDERAL EMERGENCY MANAGEMENT AGENCY

18 For an additional amount for “Readiness, Mitigation,
19 Response, and Recovery”, \$50,000,000 for necessary ex-
20 penses.

21 For an additional amount for “National Pre-Disaster
22 Mitigation Fund”, \$100,000,000 for necessary expenses.

1 **TITLE II—REFORMING THE**
2 **INSTITUTIONS OF GOVERNMENT**
3 **Subtitle A—Intelligence**
4 **Community**

5 **SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTEL-**
6 **LIGENCE.**

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

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

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

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

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

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

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

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

21 (d) GAO REPORT ON DNI EXERCISE OF AUTHOR-
22 ITY.—

23 (1) ANNUAL REPORT.—Not later than 90 days
24 after the date of the enactment of this Act, and an-
25 nually thereafter, the Comptroller General shall sub-

1 mit to the relevant congressional committees a re-
2 port on whether—

3 (A) the Director of National Intelligence
4 has been able to properly exercise the authority
5 of the Office of the Director of National Intel-
6 ligence, including budget and personnel author-
7 ity; and

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

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

18 **SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM**

19 **CENTER.**

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

1 rorism Prevention Act of 2004 (Public Law 108–458)
2 with respect to the establishment of a National
3 Counterterrorism Center. Such report shall include—

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

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

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

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

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

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

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

9 **SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU**
10 **OF INVESTIGATION NATIONAL SECURITY**
11 **WORKFORCE.**

12 (a) REPORT; CERTIFICATION.—Not later than 30
13 days after the date of the enactment of this Act, and every
14 30 days thereafter, the Director of the Federal Bureau
15 of Investigation shall submit to the relevant congressional
16 committees a report on the recommendations of the 9/11
17 Commission and the policy goals of the Intelligence Re-
18 form and Terrorism Prevention Act of 2004 (Public Law
19 108–458) with respect to the creation of a Federal Bureau
20 of Investigation national security workforce. Such report
21 shall include—

22 (1) a certification by the Director of the Fed-
23 eral Bureau of Investigation that such recommenda-
24 tions have been implemented and such policy goals
25 have been achieved; or

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

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

6 (B) when the Director of the Federal Bu-
7 reau of Investigation expects such recommenda-
8 tions to be implemented and such policy goals
9 to be achieved; and

10 (C) any allocation of resources or other ac-
11 tions by Congress the Director of the Federal
12 Bureau of Investigation considers necessary to
13 implement such recommendations and achieve
14 such policy goals.

15 (b) TERMINATION OF DUTY TO REPORT.—The duty
16 to submit a report under subsection (a) shall terminate
17 when the Director of the Federal Bureau of Investigation
18 submits a certification pursuant to subsection (a)(1).

19 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
20 tor of the Federal Bureau of Investigation submits a cer-
21 tification pursuant to subsection (a)(1), not later than 30
22 days after the submission of such certification, the Comp-
23 troller General shall submit to the relevant congressional
24 committees a report on whether the recommendations de-
25 scribed in subsection (a) have been implemented and

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

3 (d) GAO REPORT ON CREATION OF FBI NATIONAL
4 SECURITY WORKFORCE.—

5 (1) ANNUAL REPORT.—Not later than 90 days
6 after the date of the enactment of this Act, and an-
7 nually thereafter, the Comptroller General shall sub-
8 mit to the relevant congressional committees a re-
9 port on whether—

10 (A) there is a sense of urgency within the
11 Federal Bureau of Investigation to create a na-
12 tional security workforce to carry out the do-
13 mestic counterterrorism mission of the Federal
14 Bureau of Investigation;

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

17 (C) the culture of the Federal Bureau of
18 Investigation allows the Federal Bureau of In-
19 vestigation to meet its new challenges and suc-
20 ceed in its counterterrorism role.

21 (2) TERMINATION.—The duty to submit a re-
22 port under paragraph (1) shall terminate when the
23 Comptroller General certifies to the relevant con-
24 gressional committees that the recommendations of
25 the 9/11 Commission and the policy goals of the In-

1 intelligence Reform and Terrorism Prevention Act of
2 2004 (Public Law 108–458) with respect to the cre-
3 ation of a Federal Bureau of Investigation national
4 security workforce have been achieved.

5 **SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR**
6 **OF THE CENTRAL INTELLIGENCE AGENCY.**

7 (a) REPORT; CERTIFICATION.—Not later than 90
8 days after the date of the enactment of this Act, and every
9 90 days thereafter, the Director of National Intelligence
10 shall submit to the relevant congressional committees a
11 report on the recommendations of the 9/11 Commission
12 and the policy goals of the Intelligence Reform and Ter-
13 rorism Prevention Act of 2004 (Public Law 108–458)
14 with respect to the new mission of the Director of the Cen-
15 tral Intelligence Agency. Such report shall include—

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

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

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

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

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

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

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

21 (d) GAO REPORT ON DIRECTOR OF THE CENTRAL
22 INTELLIGENCE AGENCY.—

23 (1) ANNUAL REPORT.—Not later than 90 days
24 after the date of the enactment of this Act, and an-
25 nually thereafter, the Comptroller General shall sub-

1 mit to the relevant congressional committees a re-
2 port on whether the Director of the Central Intel-
3 ligence Agency has strong, determined leadership
4 committed to accelerating the pace of the reforms
5 underway.

6 (2) TERMINATION.—The duty to submit a re-
7 port under paragraph (1) shall terminate when the
8 Comptroller General certifies to the relevant con-
9 gressional committees that the recommendations of
10 the 9/11 Commission and the policy goals of the In-
11 telligence Reform and Terrorism Prevention Act of
12 2004 (Public Law 108–458) with respect to the Di-
13 rector of the Central Intelligence Agency have been
14 achieved.

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

18 (1) regularly evaluate the effectiveness of the
19 national clandestine service structure to determine if
20 it improves coordination of human intelligence collec-
21 tion operations and produces better intelligence re-
22 sults; and

23 (2) address morale and personnel issues at the
24 Central Intelligence Agency to ensure the Central

1 Intelligence Agency remains an effective arm of na-
2 tional power.

3 **SEC. 205. REPORT ON INCENTIVES FOR INFORMATION**
4 **SHARING.**

5 (a) REPORT; CERTIFICATION.—Not later than 30
6 days after the date of the enactment of this Act, and every
7 30 days thereafter, the Director of the Office of Manage-
8 ment and Budget, in consultation with the Director of Na-
9 tional Intelligence and the Program Manager for the In-
10 formation Sharing Environment, shall submit to the rel-
11 evant congressional committees a report on the rec-
12 ommendations of the 9/11 Commission and the policy
13 goals of the Intelligence Reform and Terrorism Prevention
14 Act of 2004 (Public Law 108–458) with respect to the
15 provision of affirmative incentives for information sharing,
16 and for reducing disincentives to information sharing,
17 across the Federal Government and with State and local
18 authorities. Such report shall include—

19 (1) a certification by the Director of the Office
20 of Management and Budget that such recommenda-
21 tions have been implemented and such policy goals
22 have been achieved; or

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

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

3 (B) when the Director of National Intel-
4 ligence and the Program Manager for the Infor-
5 mation Sharing Environment expect such rec-
6 ommendations to be implemented and such pol-
7 icy goals to be achieved; and

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

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

16 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
17 tor of the Office of Management and Budget submits a
18 certification pursuant to subsection (a)(1), not later than
19 30 days after the submission of such certification, the
20 Comptroller General shall submit to the relevant congres-
21 sional committees a report on whether the recommenda-
22 tions described in subsection (a) have been implemented
23 and whether the policy goals described in subsection (a)
24 have been achieved.

1 **SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NA-**
2 **TIONAL SECURITY INSTITUTIONS IN THE IN-**
3 **FORMATION REVOLUTION.**

4 (a) REPORT; CERTIFICATION.—Not later than 30
5 days after the date of the enactment of this Act, and every
6 30 days thereafter, the Director of the Office of Manage-
7 ment and Budget, in consultation with the Director of Na-
8 tional Intelligence and the Program Manager for the In-
9 formation Sharing Environment, shall submit to the rel-
10 evant congressional committees a report on the rec-
11 ommendations of the 9/11 Commission and the policy
12 goals of the Intelligence Reform and Terrorism Prevention
13 Act of 2004 (Public Law 108–458) with respect to the
14 leadership of the President of national security institu-
15 tions into the information revolution. Such report shall in-
16 clude—

17 (1) a certification by the Director of the Office
18 of Management and Budget that such recommenda-
19 tions have been implemented and such policy goals
20 have been achieved; or

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

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

1 (B) when the Director of the Office of
2 Management and Budget expects such rec-
3 ommendations to be implemented and such pol-
4 icy goals to be achieved; and

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

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

13 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
14 tor of the Office of Management and Budget submits a
15 certification pursuant to subsection (a)(1), not later than
16 30 days after the submission of such certification, the
17 Comptroller General shall submit to the relevant congres-
18 sional committees a report on whether the recommenda-
19 tions described in subsection (a) have been implemented
20 and whether the policy goals described in subsection (a)
21 have been achieved.

22 (d) GAO REPORT ON INFORMATION SYSTEMS.—

23 (1) ANNUAL REPORT.—Not later than 90 days
24 after the date of the enactment of this Act, and an-
25 nually thereafter, the Comptroller General shall sub-

1 mit to the relevant congressional committees a re-
2 port on whether the departments and agencies of the
3 Federal Government have the resources and Presi-
4 dential support to change information systems to en-
5 able information sharing, policies and procedures
6 that compel sharing, and systems of performance
7 evaluation to inform personnel on how well they
8 carry out information sharing.

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

19 **SEC. 207. HOMELAND AIRSPACE DEFENSE.**

20 (a) **CERTIFICATION.**—Not later than 30 days after
21 the date of the enactment of this Act, and every 30 days
22 thereafter, the Secretary of Homeland Security and the
23 Secretary of Defense shall each submit to the specified
24 congressional committees a certification as to whether the
25 Federal Government has implemented the policy goals of

1 the Intelligence Reform and Terrorism Prevention Act of
2 2004 (Public Law 108–458) and the recommendations of
3 the National Commission on Terrorist Attacks Upon the
4 United States regarding homeland and airspace defense.
5 Each Secretary shall include with such certification rec-
6 ommendations if further congressional action is necessary.
7 If a Secretary is unable to certify the goal in the first
8 sentence, the Secretary shall report to the specified com-
9 mittees what steps have been taken towards implementa-
10 tion, when implementation can reasonably be expected to
11 be completed, and whether additional resources or actions
12 from the Congress are required for implementation.

13 (b) COMPTROLLER GENERAL REPORT.—Within 30
14 days of the submission of both certifications under sub-
15 section (a), the Comptroller General of the United States
16 shall submit to the specified congressional committees a
17 report verifying that the policy referred to in that sub-
18 section has in fact been implemented and recommenda-
19 tions of any additional congressional action necessary to
20 implement the goals referred to in that subsection.

21 (c) SPECIFIED CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “specified congressional
23 committees” means—

24 (1) the Committee on Homeland Security, the
25 Committee on Government Reform, and the Com-

1 mittee on Transportation and Infrastructure of the
2 House of Representatives; and

3 (2) the Committee of Homeland Security and
4 Governmental Affairs and the Committee on Envi-
5 ronment and Public Works of the Senate.

6 **SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATE-**
7 **GIES OF UNITED STATES NORTHERN COM-**
8 **MAND FOR DEFENSE OF THE UNITED STATES**
9 **HOMELAND.**

10 (a) FINDINGS.—Consistent with the report of the 9/
11 11 Commission, Congress makes the following findings:

12 (1) The primary responsibility for national de-
13 fense is with the Department of Defense and the
14 secondary responsibility for national defense is with
15 the Department of Homeland Security, and the two
16 departments must have clear delineations of respon-
17 sibility.

18 (2) Before September 11, 2001, the North
19 American Aerospace Defense Command, which had
20 responsibility for defending United States airspace
21 on September 11, 2001—

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

24 (B) had not increased its focus on ter-
25 rorism within the United States, even though

1 the intelligence community had gathered intel-
2 ligence on the possibility that terrorists might
3 turn to hijacking and even the use of airplanes
4 as missiles within the United States.

5 (3) The United States Northern Command has
6 been established to assume responsibility for defense
7 within the United States.

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

10 (1) the Secretary of Defense should regularly
11 assess the adequacy of the plans and strategies of
12 the United States Northern Command with a view
13 to ensuring that the United States Northern Com-
14 mand is prepared to respond effectively to all mili-
15 tary and paramilitary threats within the United
16 States; and

17 (2) the Committee on Armed Services of the
18 Senate and the Committee on Armed Services of the
19 House of Representatives should periodically review
20 and assess the adequacy of those plans and strate-
21 gies.

22 (c) SEMIANNUAL REPORT.—Not later than 90 days
23 after the date of the enactment of this Act, and every 180
24 days thereafter, the Secretary of Defense shall submit to
25 the Committee on Armed Services of the Senate and the

1 Committee on Armed Services of the House of Represent-
2 atives a report describing the plans and strategies of the
3 United States Northern Command to defend the United
4 States against military and paramilitary threats within the
5 United States.

6 **SEC. 209. RELEVANT CONGRESSIONAL COMMITTEES DE-**
7 **FINED.**

8 In this subtitle, the term “relevant congressional
9 committees” means the following:

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

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

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

16 (4) The Committee on Homeland Security and
17 Government Affairs of the Senate.

18 (5) The Select Committee on Intelligence of the
19 Senate.

20 **Subtitle B—Civil Liberties and**
21 **Executive Power**

22 **SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY**
23 **AND CIVIL LIBERTIES.**

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

1 30 days thereafter, the Attorney General shall submit to
2 the relevant congressional committees a report on the rec-
3 ommendations of the 9/11 Commission and the policy
4 goals of the Intelligence Reform and Terrorism Prevention
5 Act of 2004 (Public Law 108–458) with respect to the
6 balance between security and civil liberties. Such report
7 shall include—

8 (1) a certification by the Attorney General that
9 such recommendations have been implemented and
10 such policy goals have been achieved; or

11 (2) if the Attorney General is unable to make
12 the certification described in paragraph (1), a de-
13 scription of—

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

16 (B) when the Attorney General expects
17 such recommendations to be implemented and
18 such policy goals to be achieved; and

19 (C) any allocation of resources or other ac-
20 tions by Congress the Attorney General con-
21 siders necessary to implement such rec-
22 ommendations and achieve such policy goals.

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

1 when the Attorney General submits a certification pursu-
2 ant to subsection (a)(1).

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

11 **SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
12 **BOARD.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “9/11 Commission Civil Liberties Board Act”.

15 (b) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) On July 22, 2004 the National Commission
18 on Terrorist Attacks Upon the United States issued
19 a report that included 41 specific recommendations
20 to help prevent future terrorist attacks, including de-
21 tails of a global strategy and government reorganiza-
22 tion necessary to implement that strategy.

23 (2) One of the recommendations focused on the
24 protections of civil liberties. Specifically the following
25 recommendation was made: “At this time of in-

1 creased and consolidated government authority,
2 there should be a board within the executive branch
3 to oversee adherence to the guidelines we rec-
4 ommend and the commitment the government makes
5 to defend our civil liberties.”.

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

13 (4) On December 17, 2004, Public Law 108–
14 458, the National Intelligence Reform Act, was
15 signed into law. This law created a civil liberties
16 board that does not have the authority necessary to
17 protect civil liberties.

18 (5) The establishment and adequate funding of
19 a Privacy and Civil Liberties Oversight Board was
20 a crucial recommendation made by the 9/11 Com-
21 mission.

22 (6) In its Final Report on 9/11 Commission
23 Recommendations, the Commission noted “very little
24 urgency” and “insufficient” funding as it relates to

1 the establishment of the Privacy and Civil Liberties
2 Oversight Board.

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

8 (c) MAKING THE PRIVACY AND CIVIL LIBERTIES
9 OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of
10 the Intelligence Reform and Terrorism Prevention Act of
11 2004 is amended by striking “within the Executive Office
12 of the President” and inserting “as an independent agency
13 within the Executive branch”.

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

19 “(e) MEMBERSHIP.—

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

24 “(2) QUALIFICATIONS.—Members of the Board
25 shall be selected solely on the basis of their profes-

1 sional qualifications, achievements, public stature,
2 expertise in civil liberties and privacy, and relevant
3 experience, and without regard to political affiliation,
4 but in no event shall more than 3 members of the
5 Board be members of the same political party. The
6 President shall, before appointing an individual who
7 is not a member of the same political party as the
8 President consult with the leadership of that party,
9 if any, in the Senate and House of Representatives.

10 “(3) INCOMPATIBLE OFFICE.—An individual
11 appointed to the Board may not, while serving on
12 the Board, be an elected official, officer, or employee
13 of the Federal Government, other than in the capac-
14 ity as a member of the Board.

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

17 “(A) a member appointed to a term of of-
18 fice after the commencement of such term may
19 serve under such appointment only for the re-
20 mainder of such term;

21 “(B) upon the expiration of the term of of-
22 fice of a member, the member shall continue to
23 serve until the member’s successor has been ap-
24 pointed and qualified, except that no member
25 may serve under this subparagraph—

1 “(i) for more than 60 days when Con-
2 gress is in session unless a nomination to
3 fill the vacancy shall have been submitted
4 to the Senate; or

5 “(ii) after the adjournment sine die of
6 the session of the Senate in which such
7 nomination is submitted; and

8 “(C) the members initially appointed under
9 this subsection shall serve terms of two, three,
10 four, five, and six years, respectively, from the
11 effective date of this Act, with the term of each
12 such member to be designated by the President.

13 “(5) QUORUM AND MEETINGS.—The Board
14 shall meet upon the call of the chairman or a major-
15 ity of its members. Three members of the Board
16 shall constitute a quorum.”.

17 (e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL
18 LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the
19 Intelligence Reform and Terrorism Prevention Act of
20 2004 is amended—

21 (1) so that subparagraph (D) of paragraph (1)
22 reads as follows:

23 “(D) require, by subpoena issued at the di-
24 rection of a majority of the members of the
25 Board, persons (other than departments, agen-

1 cies, and elements of the executive branch) to
2 produce any relevant information, documents,
3 reports, answers, records, accounts, papers, and
4 other documentary or testimonial evidence.”;
5 and

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

7 “(2) ENFORCEMENT OF SUBPOENA.—In the
8 case of contumacy or failure to obey a subpoena
9 issued under paragraph (1)(D), the United States
10 district court for the judicial district in which the
11 subpoenaed person resides, is served, or may be
12 found may issue an order requiring such person to
13 produce the evidence required by such subpoena.”.

14 (f) REPORTING REQUIREMENTS.—

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

19 “(4) REPORTS.—

20 “(A) RECEIPT, REVIEW, AND SUBMIS-
21 SION.—

22 “(i) IN GENERAL.—The Board shall—

23 “(I) receive and review reports
24 from privacy officers and civil liberties
25 officers described in section 212; and

1 “(II) periodically submit, not less
2 than semiannually, reports to the ap-
3 propriate committees of Congress, in-
4 cluding the Committees on the Judici-
5 ary of the Senate and the House of
6 Representatives, the Committee on
7 Homeland Security and Governmental
8 Affairs of the Senate, the Committee
9 on Government Reform of the House
10 of Representatives, the Select Com-
11 mittee on Intelligence of the Senate,
12 and the Permanent Select Committee
13 on Intelligence of the House of Rep-
14 resentatives, and to the President.

15 Such reports shall be in unclassified form
16 to the greatest extent possible, with a clas-
17 sified annex where necessary.

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

21 “(I) a description of the major
22 activities of the Board during the pre-
23 ceding period;

24 “(II) information on the findings,
25 conclusions, and recommendations of

1 the Board resulting from its advice
2 and oversight functions under sub-
3 section (c);

4 “(III) the minority views on any
5 findings, conclusions, and rec-
6 ommendations of the Board resulting
7 from its advice and oversight func-
8 tions under subsection (c); and

9 “(IV) each proposal reviewed by
10 the Board under subsection (c)(1)
11 that the Board advised against imple-
12 menting, but that notwithstanding
13 such advice, was implemented.

14 “(B) INFORMING THE PUBLIC.—The
15 Board shall—

16 “(i) make its reports, including its re-
17 ports to Congress, available to the public
18 to the greatest extent that is consistent
19 with the protection of classified informa-
20 tion and applicable law; and

21 “(ii) hold public hearings and other-
22 wise inform the public of its activities, as
23 appropriate and in a manner consistent
24 with the protection of classified informa-
25 tion and applicable law.”.

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

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

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

18 “(1) assist the head of such department, agen-
19 cy, or element and other officials of such depart-
20 ment, agency, or element in appropriately consid-
21 ering privacy and civil liberties concerns when such
22 officials are proposing, developing, or implementing
23 laws, regulations, policies, procedures, or guidelines
24 related to efforts to protect the Nation against ter-
25 rorism;

1 “(2) periodically investigate and review depart-
2 ment, agency, or element actions, policies, proce-
3 dures, guidelines, and related laws and their imple-
4 mentation to ensure that such department, agency,
5 or element is adequately considering privacy and
6 civil liberties in its actions;

7 “(3) ensure that such department, agency, or
8 element has adequate procedures to receive, inves-
9 tigate, respond to, and redress complaints from indi-
10 viduals who allege such department, agency, or ele-
11 ment has violated their privacy or civil liberties; and

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

16 “(A) that the power actually enhances se-
17 curity and the need for the power is balanced
18 with the need to protect privacy and civil lib-
19 erties;

20 “(B) that there is adequate supervision of
21 the use by such department, agency, or element
22 of the power to ensure protection of privacy and
23 civil liberties; and

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

1 “(b) EXCEPTION TO DESIGNATION AUTHORITY.—

2 “(1) PRIVACY OFFICERS.—In any department,
3 agency, or element referred to in subsection (a) or
4 designated by the Board, which has a statutorily
5 created privacy officer, such officer shall perform the
6 functions specified in subsection (a) with respect to
7 privacy.

8 “(2) CIVIL LIBERTIES OFFICERS.—In any de-
9 partment, agency, or element referred to in sub-
10 section (a) or designated by the Board, which has a
11 statutorily created civil liberties officer, such officer
12 shall perform the functions specified in subsection
13 (a) with respect to civil liberties.

14 “(c) SUPERVISION AND COORDINATION.—Each pri-
15 vacy officer or civil liberties officer described in subsection
16 (a) or (b) shall—

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

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

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

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

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

5 “(3) is consulted by decisionmakers; and

6 “(4) is given access to material and personnel
7 the officer determines to be necessary to carry out
8 the functions of such officer.

9 “(e) REPRISAL FOR MAKING COMPLAINT.—No ac-
10 tion constituting a reprisal, or threat of reprisal, for mak-
11 ing a complaint or for disclosing information to a privacy
12 officer or civil liberties officer described in subsection (a)
13 or (b), or to the Privacy and Civil Liberties Oversight
14 Board, that indicates a possible violation of privacy protec-
15 tions or civil liberties in the administration of the pro-
16 grams and operations of the Federal Government relating
17 to efforts to protect the Nation from terrorism shall be
18 taken by any Federal employee in a position to take such
19 action, unless the complaint was made or the information
20 was disclosed with the knowledge that it was false or with
21 willful disregard for its truth or falsity.

22 “(f) PERIODIC REPORTS.—

23 “(1) IN GENERAL.—The privacy officers and
24 civil liberties officers of each department, agency, or
25 element referred to or described in subsection (a) or

1 (b) shall periodically, but not less than quarterly,
2 submit a report on the activities of such officers—

3 “(A)(i) to the appropriate committees of
4 Congress, including the Committees on the Ju-
5 diciary of the Senate and the House of Rep-
6 resentatives, the Committee on Homeland Secu-
7 rity and Governmental Affairs of the Senate,
8 the Committee on Government Reform of the
9 House of Representatives, the Select Committee
10 on Intelligence of the Senate, and the Perma-
11 nent Select Committee on Intelligence of the
12 House of Representatives;

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

15 “(iii) to the Privacy and Civil Liberties
16 Oversight Board; and

17 “(B) which shall be in unclassified form to
18 the greatest extent possible, with a classified
19 annex where necessary.

20 “(2) CONTENTS.—Each report submitted under
21 paragraph (1) shall include information on the dis-
22 charge of each of the functions of the officer con-
23 cerned, including—

24 “(A) information on the number and types
25 of reviews undertaken;

1 “(B) the type of advice provided and the
2 response given to such advice;

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

6 “(D) a summary of the disposition of such
7 complaints, the reviews and inquiries conducted,
8 and the impact of the activities of such officer.

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

11 “(1) make the reports of such officer, including
12 reports to Congress, available to the public to the
13 greatest extent that is consistent with the protection
14 of classified information and applicable law; and

15 “(2) otherwise inform the public of the activi-
16 ties of such officer, as appropriate and in a manner
17 consistent with the protection of classified informa-
18 tion and applicable law.

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

23 “(i) PROTECTIONS FOR HUMAN RESEARCH SUB-
24 JECTS.—The Secretary of Homeland Security shall ensure
25 that the Department of Homeland Security complies with

1 the protections for human research subjects, as described
2 in part 46 of title 45, Code of Federal Regulations, or
3 in equivalent regulations as promulgated by such Sec-
4 retary, with respect to research that is conducted or sup-
5 ported by such Department.”.

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

10 “(36) a separate statement of the amount of
11 appropriations requested for the Privacy and Civil
12 Liberties Oversight Board.”.

13 (h) REPORT; CERTIFICATION.—

14 (1) REPORT.—Not later than 30 days after the
15 date of the enactment of this Act, and every 30 days
16 thereafter, the Attorney General shall submit to the
17 relevant congressional committees a report on the
18 extent to which the Administration has achieved and
19 implemented the policy goals of Public Law 108–458
20 and the recommendations of the 9/11 Commission
21 regarding the implementation of the Privacy and
22 Civil Liberties Oversight Board. Such report shall
23 include—

24 (A) a certification by the Attorney General
25 that such recommendations have been imple-

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

3 (B) if the Attorney General is unable to
4 make the certification described in subpara-
5 graph (A), a description of—

6 (i) the steps taken to implement such
7 recommendations and achieve such policy
8 goals;

9 (ii) when the Attorney General ex-
10 pects such recommendations to be imple-
11 mented and such policy goals to be
12 achieved; and

13 (iii) any allocation of resources or
14 other actions by Congress the Attorney
15 General considers necessary to implement
16 such recommendations and achieve such
17 policy goals.

18 (2) TERMINATION OF DUTY TO REPORT.—The
19 duty to submit a report under paragraph (1) shall
20 terminate when the Attorney General submits a cer-
21 tification pursuant to paragraph (1)(A).

22 (3) GAO REVIEW OF CERTIFICATION.—If the
23 Attorney General submits a certification pursuant to
24 paragraph (1), not later than 30 days after the sub-
25 mission of such certification, the Comptroller Gen-

1 eral shall submit to the relevant congressional com-
2 mittees a report on whether the recommendations
3 described in paragraph (1) have been implemented
4 and whether the policy goals described in paragraph
5 (1) have been achieved.

6 **SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT**
7 **SHARING OF PERSONAL INFORMATION.**

8 (a) REPORT.—Not later than 30 days after the date
9 of the enactment of this Act, and every 30 days thereafter,
10 the Attorney General shall submit to the relevant congress-
11 sional committees a report on the extent to which the Ad-
12 ministration has achieved and implemented the policy
13 goals of Public Law 108–458 and the recommendations
14 of the 9/11 Commission regarding the privacy guidelines
15 for government sharing of personal information. Such re-
16 port shall include—

17 (1) a certification by the Attorney General that
18 such recommendations have been implemented and
19 such policy goals have been achieved; or

20 (2) if the Attorney General is unable to make
21 the certification described in paragraph (1), a de-
22 scription of—

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

1 (B) when the Attorney General expects
2 such recommendations to be implemented and
3 such policy goals to be achieved; and

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

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

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

20 **SEC. 214. RELEVANT CONGRESSIONAL COMMITTEES DE-**
21 **FINED.**

22 In this subtitle, the term “relevant congressional
23 committees” means the Committee on Homeland Security
24 of the House of Representatives, the Committee on Gov-
25 ernment Reform of the House of Representatives, the

1 Committee on Homeland Security and Governmental Af-
 2 fairs of the Senate, the Committees on the Judiciary of
 3 the Senate and House of Representatives, the Select Com-
 4 mittee on Intelligence of the Senate, and the Permanent
 5 Select Committee on Intelligence of the House of Rep-
 6 resentatives.

7 **Subtitle C—Intelligence Oversight**
 8 **Reform in the Senate**

9 **SEC. 231. SUBCOMMITTEE RELATED TO INTELLIGENCE**
 10 **OVERSIGHT.**

11 (a) **ESTABLISHMENT.**—There is established in the
 12 Select Committee on Intelligence a Subcommittee on Over-
 13 sight which shall be in addition to any other subcommittee
 14 established by the select Committee.

15 (b) **RESPONSIBILITY.**—The Subcommittee on Over-
 16 sight shall be responsible for ongoing oversight of intel-
 17 ligence activities.

18 **SEC. 232. SUBCOMMITTEE RELATED TO INTELLIGENCE AP-**
 19 **PROPRIATIONS.**

20 (a) **ESTABLISHMENT.**—There is established in the
 21 Committee on Appropriations a Subcommittee on Intel-
 22 ligence.

23 (b) **JURISDICTION.**—The Subcommittee on Intel-
 24 ligence of the Committee on Appropriations shall have ju-
 25 risdiction over funding for intelligence matters.

1 **SEC. 233. EFFECTIVE DATE.**

2 This subtitle shall take effect on the convening of the
3 110th Congress.

4 **Subtitle D—Standardize Security**
5 **Clearances**

6 **SEC. 241. STANDARDIZATION OF SECURITY CLEARANCES.**

7 (a) REPORT; CERTIFICATION.—Not later than 30
8 days after the date of the enactment of this Act, and every
9 30 days thereafter, the Director of the Office of Personnel
10 Management, in consultation with the Director of Na-
11 tional Intelligence, the Secretary of Defense, and the Sec-
12 retary of Homeland Security, shall submit to the relevant
13 congressional committees a report on the recommenda-
14 tions of the 9/11 Commission and the policy goals of sec-
15 tion 3001 of the Intelligence Reform and Terrorism Pre-
16 vention Act of 2004 (Public Law 108–458) with respect
17 to security clearances, including with respect to uniform
18 policies and procedures for the completion of security
19 clearances and reciprocal recognition of such security
20 clearances among agencies of the United States Govern-
21 ment. Such report shall include—

22 (1) a certification by the Director of the Office
23 of Personnel Management that such recommenda-
24 tions have been implemented and such policy goals
25 have been achieved; or

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

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

6 (B) when the Director of the Office of Per-
7 sonnel Management expects such recommenda-
8 tions to be implemented and such policy goals
9 to be achieved; and

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

14 (b) TERMINATION OF DUTY TO REPORT.—The duty
15 to submit a report under subsection (a) shall terminate
16 when the Director of the Office of Personnel Management
17 submits a certification pursuant to subsection (a)(1).

18 (c) GAO REVIEW OF CERTIFICATION.—If the Direc-
19 tor of the Office of Personnel Management submits a cer-
20 tification pursuant to subsection (a)(1), not later than 30
21 days after the submission of such certification, the Comp-
22 troller General shall submit to the relevant congressional
23 committees a report on whether the recommendations de-
24 scribed in subsection (a) have been implemented and

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

3 **TITLE III—FOREIGN POLICY,**
4 **PUBLIC DIPLOMACY, AND**
5 **NONPROLIFERATION**
6 **Subtitle A—Foreign Policy**

7 **SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMIT-**
8 **MENT TO AFGHANISTAN.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the Government of the United States—

11 (1) should give priority to providing assistance
12 to Afghanistan to establish a substantial economic
13 infrastructure and a sound economy; and

14 (2) should continue to provide economic and de-
15 velopment assistance to Afghanistan, including as-
16 sistance to the Afghan National Army and the police
17 forces and border police of Afghanistan.

18 (b) REPORT; CERTIFICATION.—Not later than 90
19 days after the date of the enactment of this Act, and every
20 90 days thereafter, the President shall submit to the rel-
21 evant congressional committees a report on the rec-
22 ommendations of the 9/11 Commission and the policy
23 goals of section 305 of the Afghanistan Freedom Support
24 Act of 2002 (22 U.S.C. 7555) (as added by section
25 7104(e)(4)(A) of the Intelligence Reform and Terrorism

1 Prevention Act of 2004 (Public Law 108–458)) for ensur-
2 ing a long-term commitment to Afghanistan. Such report
3 shall include—

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

7 (2) if the President is unable to make the cer-
8 tification described in paragraph (1), a description
9 of—

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

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

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

19 (c) TERMINATION OF DUTY TO REPORT.—The duty
20 to submit a report under subsection (b) shall terminate
21 when the President submits a certification pursuant to
22 subsection (b)(1).

23 (d) GAO REVIEW OF CERTIFICATION.—If the Presi-
24 dent submits a certification pursuant to subsection (b)(1),
25 not later than 30 days after the submission of such certifi-

1 cation, the Comptroller General shall submit to the rel-
 2 evant congressional committees a report on whether the
 3 recommendations described in subsection (b) has been im-
 4 plemented and whether the policy goals described in sub-
 5 section (b) have been achieved.

6 (e) RELEVANT CONGRESSIONAL COMMITTEES DE-
 7 FINED.—In this section, the term “relevant congressional
 8 committees” means—

9 (1) the Committee on International Relations
 10 and the Committee on Government Reform of the
 11 House of Representatives; and

12 (2) the Committee on Foreign Relations and
 13 the Committee on Homeland Security and Govern-
 14 mental Affairs of the Senate.

15 **SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EX-**
 16 **TREMISTS.**

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

19 (1) the commitment of the President to provide
 20 \$3,000,000,000 in assistance over the next five
 21 years to Pakistan should be commended;

22 (2) the Government of the United States should
 23 provide assistance to Pakistan to improve Pakistan’s
 24 failing basic education system and to emphasize de-
 25 velopment;

1 (3) the Government of the United States should
2 strongly urge the Government of Pakistan to close
3 Taliban-linked schools known as “madrassas”, close
4 terrorist training camps, and prevent Taliban forces
5 from operating across the border between Pakistan
6 and Afghanistan; and

7 (4) the Government of the United States and
8 the Government of Pakistan must redouble their ef-
9 forts to kill or capture Osama bin Laden and other
10 high-ranking al Qaeda suspects that may be hiding
11 in or around Pakistan.

12 (b) REPORT.—Not later than 90 days after the date
13 of the enactment of this Act, the Secretary of State shall
14 submit to the Committee on International Relations of the
15 House of Representatives and the Committee on Foreign
16 Relations of the Senate a report on efforts by the Govern-
17 ment of Pakistan take the actions described in subsection
18 (a)(3).

19 **SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) the Government of the United States and
23 the Government of Saudi Arabia should accelerate
24 efforts to improve strategic dialogue between the two

1 countries, increase exchange programs, and promote
2 pragmatic reforms in Saudi Arabia; and

3 (2) the Government of Saudi Arabia should
4 take additional steps to regulate charities and pro-
5 mote tolerance and moderation.

6 (b) REPORT; CERTIFICATION.—Not later than 90
7 days after the date of the enactment of this Act, and every
8 90 days thereafter, the Secretary of State shall submit to
9 the relevant congressional committees a report on the rec-
10 ommendations of the 9/11 Commission and the policy
11 goals of section 7105 of the Intelligence Reform and Ter-
12 rorism Prevention Act of 2004 (Public Law 108–458) for
13 improving dialogue between the people and Government
14 of the United States and the people and Government of
15 Saudi Arabia in order to improve the relationship between
16 the two countries. Such report shall include—

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

20 (2) if the Secretary of State is unable to make
21 the certification described in paragraph (1), a de-
22 scription of—

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

1 (B) when the Secretary of State expects
2 such recommendations to be implemented and
3 such policy goals to be achieved; and

4 (C) any allocation of resources or other ac-
5 tions by Congress the Secretary of State con-
6 siders necessary to implement such rec-
7 ommendations and achieve such policy goals.

8 (c) TERMINATION OF DUTY TO REPORT.—The duty
9 to submit a report under subsection (b) shall terminate
10 when the Secretary of State submits a certification pursu-
11 ant to subsection (b)(1).

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

20 (e) RELEVANT CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “relevant congressional
22 committees” means—

23 (1) the Committee on International Relations
24 and the Committee on Government Reform of the
25 House of Representatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate.

4 **SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.**

5 (a) NATIONAL COUNTERTERRORISM CENTER IDEN-
6 TIFICATION OF TERRORIST SANCTUARIES.—Subsection
7 (d) of section 119 of National Security Act of 1947 (50
8 U.S.C. 404o) is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(7) To identify each country whose territory is
11 being used as a sanctuary for terrorists or terrorist
12 organizations and each country whose territory may
13 potentially be used as a sanctuary for terrorists or
14 terrorist organizations and to develop a comprehen-
15 sive strategy to eliminate terrorist sanctuaries.”.

16 (b) REPORT.—Such section is further amended by
17 adding at the end the following new subsection:

18 “(k) REPORT ON TERRORIST SANCTUARIES.—Not
19 later than 90 days after the date of the enactment of this
20 Act, and annually thereafter, the Director of the National
21 Counterterrorism Center shall submit to the Committee
22 on International Relations, the Permanent Select Com-
23 mittee on Intelligence, the Committee on Homeland Secu-
24 rity, and the Committee on Government Reform of the
25 House of Representatives and the Committee on Foreign

1 Relations, the Select Committee on Intelligence, and the
2 Committee on Homeland Security and Governmental Af-
3 fairs of the Senate a report on terrorist sanctuaries, in-
4 cluding a description of the—

5 “(1) countries whose territory is being used as
6 a sanctuary for terrorists or terrorist organizations;

7 “(2) countries whose territory may potentially
8 be used as a sanctuary for terrorists or terrorist or-
9 ganizations;

10 “(3) strategy to eliminate each such sanctuary;
11 and

12 “(4) progress that has been made in accom-
13 plishing such strategy.”.

14 **SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST**
15 **ISLAMIST TERRORISM.**

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

18 (1) should continue to engage other countries in
19 developing a comprehensive coalition strategy
20 against Islamist terrorism; and

21 (2) should use a broader approach to target the
22 roots of terrorism, including developing strategies
23 with other countries to encourage reform efforts in
24 Saudi Arabia and Pakistan, improving educational
25 and economic opportunities in Muslim countries,

1 identifying and eliminating terrorist sanctuaries, and
2 making progress in the Arab-Israeli peace process.

3 (b) REPORT; CERTIFICATION.—Not later than 30
4 days after the date of the enactment of this Act, and every
5 30 days thereafter, the Secretary of State shall submit to
6 the relevant congressional committees a report on the rec-
7 ommendations of the 9/11 Commission and the policy
8 goals of section 7117 of the Intelligence Reform and Ter-
9 rorism Prevention Act of 2004 (Public Law 108–458) for
10 engaging other countries in developing a comprehensive
11 coalition strategy for combating terrorism. Such report
12 shall include—

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

16 (2) if the Secretary of State is unable to make
17 the certification described in paragraph (1), a de-
18 scription of—

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

21 (B) when the Secretary of State expects
22 such recommendations to be implemented and
23 such policy goals to be achieved; and

24 (C) any allocation of resources or other ac-
25 tions by Congress the Secretary of State con-

1 siders necessary to implement such rec-
2 ommendations and achieve such policy goals.

3 (c) TERMINATION OF DUTY TO REPORT.—The duty
4 to submit a report under subsection (b) shall terminate
5 when the Secretary of State submits a certification pursu-
6 ant to subsection (b)(1).

7 (d) GAO REVIEW OF CERTIFICATION.—If the Sec-
8 retary of State submits a certification pursuant to sub-
9 section (b)(1), not later than 30 days after the submission
10 of such certification, the Comptroller General shall submit
11 to the relevant congressional committees a report on
12 whether the recommendations described in subsection (b)
13 have been implemented and whether the policy goals de-
14 scribed in subsection (b) have been achieved.

15 (e) RELEVANT CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “relevant congressional
17 committees” means—

18 (1) the Committee on International Relations
19 and the Committee on Government Reform of the
20 House of Representatives; and

21 (2) the Committee on Foreign Relations and
22 the Committee on Homeland Security and Govern-
23 mental Affairs of the Senate.

1 **SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE**
2 **TREATMENT OF CAPTURED TERRORISTS.**

3 (a) REPORT; CERTIFICATION.—Not later than 30
4 days after the date of the enactment of this Act, and every
5 30 days thereafter, the Secretary of State, in consultation
6 with the Attorney General, shall submit to the relevant
7 congressional committees a report on the recommenda-
8 tions of the 9/11 Commission for engaging United States
9 allies to develop a common coalition approach toward the
10 detention and humane treatment of captured terrorists
11 and the policy goals of sections 1002, 1003, and 1005 of
12 the Department of Defense, Emergency Supplemental Ap-
13 propriations to Address Hurricanes in the Gulf of Mexico,
14 and Pandemic Influenza Act, 2006 (Public Law 109–148).
15 Such report shall include—

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

19 (2) if the Secretary of State is unable to make
20 the certification described in paragraph (1), a de-
21 scription of—

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

24 (B) when the Secretary of State expects
25 such recommendations to be implemented and
26 such policy goals to be achieved; and

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

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

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

17 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
18 FINED.—In this section, the term “relevant congressional
19 committees” means—

20 (1) the Committee on International Relations,
21 the Committee on Armed Services, and the Com-
22 mittee on Government Reform of the House of Rep-
23 resentatives; and

24 (2) the Committee on Foreign Relations, the
25 Committee on Armed Services, and the Committee

1 on Homeland Security and Governmental Affairs of
2 the Senate.

3 **SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TER-**
4 **RORISM.**

5 (a) REPORT; CERTIFICATION.—Not later than 90
6 days after the date of the enactment of this Act, and every
7 90 days thereafter, the Secretary of State, in consultation
8 with the United States Trade Representative, shall submit
9 to the relevant congressional committees a report on the
10 recommendations of the 9/11 Commission and the policy
11 goals of section 7115 of the Intelligence Reform and Ter-
12 rorism Prevention Act of 2004 (Public Law 108–458) for
13 developing economic policies to combat terrorism. Such re-
14 port shall include—

15 (1) a certification by the Secretary of State
16 that such recommendations have been implemented
17 and such policy goals have been achieved, including
18 a description of the extent to which the policy goals
19 of paragraphs (1) through (4) of section 7115(b) of
20 the Intelligence Reform and Terrorism Prevention
21 Act of 2004 have been achieved; or

22 (2) if the Secretary of State is unable to make
23 the certification described in paragraph (1), a de-
24 scription of—

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

3 (B) when the Secretary of State expects
4 such recommendations to be implemented and
5 such policy goals to be achieved; and

6 (C) any allocation of resources or other ac-
7 tions by Congress the Secretary of State con-
8 siders necessary to implement such rec-
9 ommendations and achieve such policy goals.

10 (b) TERMINATION OF DUTY TO REPORT.—The duty
11 to submit a report under subsection (a) shall terminate
12 when the Secretary of State submits a certification pursu-
13 ant to subsection (a)(1).

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

22 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “relevant congressional
24 committees” means—

1 (5) The Secretary of the Treasury has an af-
2 firmative duty to provide to financial institutions
3 and examiners the best possible information on com-
4 pliance with anti-money laundering and terrorist fi-
5 nancing initiatives in other markets.

6 (b) REPORT.—Not later than March 1 each year, the
7 Secretary of the Treasury shall submit to the relevant con-
8 gressional committees a report that identifies the applica-
9 ble standards of each country against money laundering
10 and states whether that country is a country of primary
11 money laundering concern under section 5318A of title 31,
12 United States Code. The report shall include—

13 (1) information on the effectiveness of each
14 country in meeting its standards against money
15 laundering;

16 (2) a determination of whether that the efforts
17 of that country to combat money laundering and ter-
18 rorist financing are adequate, improving, or inad-
19 equate; and

20 (3) the efforts made by the Secretary to provide
21 to the government of each such country of concern
22 technical assistance to cease the activities that were
23 the basis for the determination that the country was
24 of primary money laundering concern.

1 (c) DISSEMINATION OF INFORMATION IN REPORT.—
2 The Secretary of the Treasury shall make available to the
3 Federal Financial Institutions Examination Council for
4 incorporation into the examination process, in consultation
5 with Federal banking agencies, and to financial institu-
6 tions the information contained in the report submitted
7 under subsection (b). Such information shall be made
8 available to financial institutions without cost.

9 (d) DEFINITIONS.—In this section:

10 (1) FINANCIAL INSTITUTION.—The term “fi-
11 nancial institution” has the meaning given that term
12 in section 5312(a)(2) of title 31, United States
13 Code.

14 (2) RELEVANT CONGRESSIONAL COMMIT-
15 TEES.—The term “relevant congressional commit-
16 tees” means—

17 (A) the Committee on Financial Services,
18 the Committee on Government Reform, and the
19 Committee on the Judiciary of the House of
20 Representatives; and

21 (B) the Committee on Banking, Housing,
22 and Urban Affairs, the Committee on Home-
23 land Security and Governmental Affairs, and
24 the Committee on the Judiciary of the Senate.

1 **Subtitle B—Public Diplomacy**

2 **SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**
3 **DEPARTMENT OF STATE AND PUBLIC DIPLO-**
4 **MACY TRAINING OF MEMBERS OF THE FOR-**
5 **EIGN SERVICE.**

6 (a) **REPORT; CERTIFICATION.**—Not later than 30
7 days after the date of the enactment of this Act, and every
8 30 days thereafter, the Secretary of State shall submit to
9 the relevant congressional committees a report on the rec-
10 ommendations of the 9/11 Commission and the policy
11 goals of sections 7109 and 7110 the Intelligence Reform
12 and Terrorism Prevention Act of 2004 (Public Law 108–
13 458), and the amendments made by such sections, regard-
14 ing the public diplomacy responsibilities of the Depart-
15 ment of State and public diplomacy training of members
16 of the Foreign Service. Such report shall include—

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

20 (2) if the Secretary of State is unable to make
21 the certification described in paragraph (1), a de-
22 scription of—

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

1 (B) when the Secretary of State expects
2 such recommendations to be implemented and
3 such policy goals to be achieved; and

4 (C) any allocation of resources or other ac-
5 tions by Congress the Secretary of State con-
6 siders necessary to implement such rec-
7 ommendations and achieve such policy goals.

8 (b) TERMINATION OF DUTY TO REPORT.—The duty
9 to submit a report under subsection (a) shall terminate
10 when the Secretary of State submits a certification pursu-
11 ant to subsection (a)(1).

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

20 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “relevant congressional
22 committees” means—

23 (1) the Committee on International Relations
24 and the Committee on Government Reform of the
25 House of Representatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate.

4 **SEC. 312. INTERNATIONAL BROADCASTING.**

5 (a) REPORT.—Not later than 90 days after the date
6 of the enactment of this Act, the Broadcasting Board of
7 Governors shall submit to the relevant congressional com-
8 mittees a report on—

9 (1) the activities of Radio Sawa and Radio Al-
10 Hurra; and

11 (2) the extent to which the activities of Radio
12 Sawa and Radio Al-Hurra have been successful, in-
13 cluding an analysis of impact of the activities on the
14 audience and audience demographics and whether or
15 not funding is adequate to carry out the activities.

16 (b) RELEVANT CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “relevant congressional
18 committees” means—

19 (1) the Committee on International Relations
20 and the Committee on Government Reform of the
21 House of Representatives; and

22 (2) the Committee on Foreign Relations and
23 the Committee on Homeland Security and Govern-
24 mental Affairs of the Senate.

1 **SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP,**
2 **EXCHANGE, AND LIBRARY PROGRAMS IN THE**
3 **ISLAMIC WORLD.**

4 (a) REPORT; CERTIFICATION.—Not later than 30
5 days after the date of the enactment of this Act, and every
6 30 days thereafter, the Secretary of State shall submit to
7 the relevant congressional committees a report on the rec-
8 ommendations of the 9/11 Commission and the policy
9 goals of sections 7112 of the Intelligence Reform and Ter-
10 rorism Prevention Act of 2004 (Public Law 108–458) for
11 expanding United States scholarship, exchange, and li-
12 brary programs in the Islamic world. Such report shall
13 include—

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

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

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

22 (B) when the Secretary of State expects
23 such recommendations to be implemented and
24 such policy goals to be achieved; and

25 (C) any allocation of resources or other ac-
26 tions by Congress the Secretary of State con-

1 siders necessary to implement such rec-
2 ommendations and achieve such policy goals.

3 (b) TERMINATION OF DUTY TO REPORT.—The duty
4 to submit a report under subsection (a) shall terminate
5 when the Secretary of State submits a certification pursu-
6 ant to subsection (a)(1).

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

15 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “relevant congressional
17 committees” means—

18 (1) the Committee on International Relations
19 and the Committee on Government Reform of the
20 House of Representatives; and

21 (2) the Committee on Foreign Relations and
22 the Committee on Homeland Security and Govern-
23 mental Affairs of the Senate.

1 **SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) the Middle East Partnership Initiative
5 (MEPI) and the United States Agency for Inter-
6 national Development should be commended for ini-
7 tiating programs in predominantly Muslim countries
8 to support secular education improvements and the
9 teaching of English, including programs that focus
10 on the education of women;

11 (2) the secular education programs of MEPI
12 and the United States Agency for International De-
13 velopment are a constructive start to answering the
14 challenge of secular education in predominantly
15 Muslim countries;

16 (3) the secular education programs of MEPI
17 and the United States Agency for International De-
18 velopment should be components of an overall strat-
19 egy for educational assistance—itself one component
20 of an overall United States strategy for
21 counterterrorism—targeted where the need and the
22 benefit to the national security of the United States
23 are greatest; and

24 (4) upon formation of a broader strategy for
25 international educational assistance targeted toward

1 the Middle East, a significant increase in funding
2 for these initiatives should be provided.

3 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—
4 There are authorized to be appropriated to the Secretary
5 of State \$50,000,000 for each of fiscal years 2007 and
6 2008 to support the establishment of an International
7 Youth Opportunity Fund pursuant to section 7114 of the
8 Intelligence Reform and Terrorism Prevention Act of
9 2004 (Public Law 108–458).

10 **Subtitle C—Nonproliferation**

11 **SEC. 321. SHORT TITLE.**

12 This subtitle may be cited as the “Omnibus Non-
13 proliferation and Anti-Nuclear Terrorism Act of 2006”.

14 **SEC. 322. FINDINGS.**

15 Congress makes the following findings:

16 (1) LOOSE NUCLEAR WEAPONS AND MATERIALS
17 IN THE FORMER SOVIET UNION.—

18 (A) There are in the world today enormous
19 stockpiles of nuclear weapons and the materials
20 required to make them. Counting materials
21 both in assembled warheads and in other forms,
22 worldwide totals are estimated to encompass
23 some 1,900 tons of highly enriched uranium
24 (enough for 143,000 nuclear weapons) and

1 1,855 tons of plutonium (enough for 330,000
2 nuclear weapons).

3 (B) The Russian Federation alone is esti-
4 mated to have over 1,000 tons of highly en-
5 riched uranium (enough for over 80,000 nuclear
6 weapons) and 140 tons of plutonium (enough
7 for over 30,000 nuclear weapons).

8 (C) The United States has been working
9 for over a decade to eliminate stockpiles of loose
10 nuclear weapons and materials in the former
11 Soviet Union, but the Department of Energy
12 acknowledges that there is still a need to prop-
13 erly secure about 460 tons of weapons-usable
14 Russian nuclear material (outside of warheads),
15 enough for more than 35,000 nuclear weapons.

16 (D) A recent report by the Central Intel-
17 ligence Agency faulted the security of nuclear
18 arsenal facilities in the Russian Federation and
19 assessed that “undetected smuggling has oc-
20 curred.”

21 (E) There are at least 18 documented inci-
22 dents of “proliferation significant” fissile mate-
23 rial trafficking from facilities in the former So-
24 viet Union between 1991 and 2001. In one inci-
25 dent in 1998, an inside conspiracy at a Russian

1 nuclear weapons facility attempted to steal 18.5
2 kilograms of highly enriched uranium. In an-
3 other incident, 2 kilograms of highly enriched
4 uranium taken from a research facility in
5 Sukhumi, Georgia, has never been recovered.

6 (F) In May 1994, German police found a
7 small but worrisome quantity of supergrade
8 plutonium in the garage of Adolf Jackle. Ex-
9 tremely expensive to produce, this rare item
10 was likely stolen from one of Russia's two pre-
11 mier nuclear weapons laboratories.

12 (G) Comprehensive security upgrades are
13 not yet completed at 90 percent of Russian nu-
14 clear warhead bunkers for Russia's Strategic
15 Rocket Forces.

16 (H) Border security in the former Soviet
17 Union is inconsistent at best. Existing infra-
18 structure helps at the outer borders of the
19 former Soviet Union but many borders internal
20 to the former Soviet Union, such as the border
21 between Kazakhstan and the Russian Federa-
22 tion, exist only on a map.

23 (2) LOOSE NUCLEAR MATERIALS AROUND THE
24 GLOBE.—

1 (A) Dangerous caches of weapons-usable
2 nuclear materials, much of it poorly secured
3 and vulnerable to theft, exist in a multitude of
4 facilities around the world. For example, there
5 are over 130 research reactors in over 40 coun-
6 tries that house highly enriched uranium, some
7 with enough to manufacture an atomic bomb.
8 In total, about 40 tons of highly enriched ura-
9 nium, enough for over 1,000 nuclear weapons,
10 is estimated to remain in civilian research reac-
11 tors.

12 (B) Over the last 50 years, the United
13 States is known to have exported about 27.5
14 tons of highly enriched uranium to 43 countries
15 to help develop nuclear power production or bol-
16 ster scientific initiatives. In 1996, the United
17 States began an effort to recover the more than
18 17.5 tons of the nuclear material that was still
19 overseas, but has recovered only about 1 ton,
20 according to the Department of Energy and the
21 Government Accountability Office.

22 (C) It is especially important to keep high-
23 ly enriched uranium out of terrorists' hands be-
24 cause, with minimal expertise, they could use it
25 to make the simplest, gun-type nuclear weap-

1 on—a device in which a high explosive is used
2 to blow one subcritical piece of highly enriched
3 uranium from one end of a tube into another
4 subcritical piece held at the opposite end of the
5 tube.

6 (D) To Osama bin Laden, acquiring weap-
7 ons of mass destruction is a “religious duty”.
8 Al Qaeda and more than two dozen other ter-
9 rorist groups are pursuing capability to use
10 weapons of mass destruction.

11 (E) Osama bin Laden’s press spokesman,
12 Sulaiman Abu Ghaith, has announced that the
13 group aspires “to kill 4 million Americans, in-
14 cluding 1 million children,” in response to cas-
15 ualties supposedly inflicted on Muslims by the
16 United States and Israel.

17 (F) Al Qaeda documents recovered in Af-
18 ghanistan reveal a determined research effort
19 focused on nuclear weapons.

20 (3) SECURITY STANDARDS FOR ALL NUCLEAR
21 WEAPONS AND MATERIALS.—

22 (A) There are no international binding
23 standards for the secure handling and storage
24 of nuclear weapons and materials.

1 (B) Making a nuclear weapon requires only
2 4 to 5 kilograms of plutonium or 12 to 15 kilo-
3 grams of highly enriched uranium.

4 (C) In October 2001, the United States
5 Government became very concerned that Al
6 Qaeda may have smuggled a 10-kiloton Russian
7 nuclear warhead into New York City. If placed
8 in lower Manhattan, such a device would prob-
9 ably kill 100,000 people instantly, seriously in-
10 jure tens of thousands more, and render the en-
11 tire area uninhabitable for decades to come.

12 (4) RUSSIA'S NUCLEAR EXPERTISE.—

13 (A) Employment at the large nuclear facili-
14 ties in the Russian Federation's 10 closed nu-
15 clear cities is estimated to be in the range of
16 120,000 to 130,000 people, of whom approxi-
17 mately 75,000 were employed on nuclear weap-
18 ons-related work.

19 (B) Poor wages and living conditions in
20 Russian "nuclear cities" have inspired protests
21 and strikes among the employees working in
22 them.

23 (C) Insiders have been caught attempting
24 to smuggle nuclear materials out of these facili-

1 ties, presumably to sell on the lucrative black
2 market.

3 **SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERA-**
4 **TION PROGRAMS IN THE EXECUTIVE OFFICE**
5 **OF THE PRESIDENT.**

6 (a) **ESTABLISHMENT.**—There is established in the
7 Executive Office of the President an Office of Non-
8 proliferation Programs (in this section referred to as the
9 “Office”).

10 (b) **DIRECTOR; ASSOCIATE DIRECTORS.**—There shall
11 be at the head of the Office a Director who shall be ap-
12 pointed by the President, by and with the advice and con-
13 sent of the Senate, and who shall be compensated at the
14 rate provided for level II of the Executive Schedule in sec-
15 tion 5313 of title 5, United States Code. The President
16 is authorized to appoint not more than four Associate Di-
17 rectors, by and with the advice and consent of the Senate,
18 who shall be compensated at a rate not to exceed that pro-
19 vided for level III of the Executive Schedule in section
20 5314 of such title. Associate Directors shall perform such
21 functions as the Director may prescribe.

22 (c) **PRIMARY FUNCTIONS OF DIRECTOR.**—

23 (1) **IN GENERAL.**—The primary function of the
24 Director is to coordinate and lead—

1 (A) efforts by the United States to curb
2 terrorist access to nuclear technology, mate-
3 rials, or expertise; and

4 (B) other United States nonproliferation
5 activities, including nuclear nonproliferation ac-
6 tivities and activities to counter other weapons
7 of mass destruction.

8 (2) SPECIFIC FUNCTIONS.—In addition to such
9 other functions and activities as the President may
10 assign, the Director shall—

11 (A) advise the President, and others within
12 the Executive Office of the President, on the
13 role and effect of such nonproliferation activi-
14 ties on national security and international rela-
15 tions;

16 (B) lead the development and implementa-
17 tion of a plan (including appropriate budgets,
18 other resources, goals, and metrics for assessing
19 progress) to ensure that all the highest-priority
20 actions to prevent terrorists from getting and
21 using nuclear weapons are taken in the shortest
22 possible time, including but not limited to a
23 fast-paced global effort to ensure that every nu-
24 clear warhead and every kilogram of weapons-
25 usable nuclear material worldwide is secured

1 and accounted for, to standards sufficient to de-
2 feat demonstrated terrorist and criminal
3 threats, as rapidly as that objective can be ac-
4 complished;

5 (C) identify obstacles to accelerating and
6 strengthening efforts to prevent terrorists from
7 getting and using nuclear weapons, and raise
8 approaches to overcoming these obstacles for
9 action by the President or other appropriate of-
10 ficials;

11 (D) lead an effort, to be carried out jointly
12 by the various Federal agencies responsible for
13 carrying out such nonproliferation activities, to
14 establish priorities among those activities and
15 to develop and implement strategies and budg-
16 ets that reflect those priorities;

17 (E) build strong partnerships with respect
18 to such nonproliferation activities among Fed-
19 eral, State, and local governments, foreign gov-
20 ernments, international organizations, and non-
21 governmental organizations; and

22 (F) evaluate the scale, quality, and effec-
23 tiveness of the Federal effort with respect to
24 such nonproliferation activities and advise on
25 appropriate actions.

1 **SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE**
2 **THREAT REDUCTION PROGRAMS.**

3 (a) REPEAL OF RESTRICTIONS.—

4 (1) RESTRICTIONS ON ASSISTANCE IN DE-
5 STROYING FORMER SOVIET WEAPONS.—Section
6 211(b) of the Soviet Nuclear Threat Reduction Act
7 of 1991 (22 U.S.C. 2551 note) is repealed.

8 (2) RESTRICTIONS ON AUTHORITY TO CARRY
9 OUT CTR PROGRAMS.—Section 1203(d) of the Coop-
10 erative Threat Reduction Act of 1993 (title XII of
11 Public Law 103–160; 22 U.S.C. 5952(d)) is re-
12 pealed.

13 (3) LIMITATION ON USE OF FUNDS FOR CHEM-
14 ICAL WEAPONS DESTRUCTION.—Section 1305 of the
15 National Defense Authorization Act for Fiscal Year
16 2000 (22 U.S.C. 5952 note) is repealed.

17 (b) EXEMPTION FROM LIMITATIONS.—Cooperative
18 Threat Reduction programs may be carried out notwith-
19 standing any other provision of law, subject to congres-
20 sional notification and reporting requirements that apply
21 to the use of funds available for Cooperative Threat Re-
22 duction programs or the carrying out of projects or activi-
23 ties under such programs.

24 (c) INAPPLICABILITY OF OTHER RESTRICTIONS.—
25 Section 502 of the Freedom for Russia and Emerging
26 Eurasian Democracies and Open Markets Support Act of

1 1992 (22 U.S.C. 5852) shall not apply to any Cooperative
2 Threat Reduction program.

3 **SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT**
4 **OF ENERGY NONPROLIFERATION PROGRAMS.**

5 Section 4301 of the Atomic Energy Defense Act (50
6 U.S.C. 2561) is repealed.

7 **SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPER-**
8 **ATIVE THREAT REDUCTION PROGRAM FUNDS**
9 **OUTSIDE THE FORMER SOVIET UNION.**

10 Section 1308 of the National Defense Authorization
11 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
12 1662; 22 U.S.C. 5963) is amended—

13 (1) by striking “President” each place it ap-
14 pears and inserting “Secretary of Defense”;

15 (2) in subsection (a), by striking “each of the
16 following” and all that follows through the period at
17 the end and inserting the following: “that such
18 project or activity will—

19 “(1) assist the United States in the resolution
20 of a critical emerging proliferation threat; or

21 “(2) permit the United States to take advan-
22 tage of opportunities to achieve long-standing non-
23 proliferation goals.”;

24 (3) by striking subsections (c) and (d); and

1 (4) by redesignating subsection (e) as sub-
2 section (c).

3 **SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTER-**
4 **NATIONAL NUCLEAR MATERIALS PROTEC-**
5 **TION AND COOPERATION PROGRAM FUNDS**
6 **OUTSIDE THE FORMER SOVIET UNION.**

7 Section 3124 of the National Defense Authorization
8 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
9 1747) is amended—

10 (1) by striking “President” each place it ap-
11 pears and inserting “Secretary of Energy”;

12 (2) in subsection (a), by striking “each of the
13 following” and all that follows through the period at
14 the end and inserting the following: “that such
15 project or activity will—

16 “(1) assist the United States in the resolution
17 of a critical emerging proliferation threat; or

18 “(2) permit the United States to take advan-
19 tage of opportunities to achieve long-standing non-
20 proliferation goals.”;

21 (3) by striking subsections (c) and (d); and

22 (4) by redesignating subsection (e) as sub-
23 section (c).

1 **SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS**
2 **CONTROL AGREEMENTS AND NON-**
3 **PROLIFERATION COMMITMENTS.**

4 (a) **REPORTS REQUIRED.**—At least annually, the
5 Secretary of State shall submit to the appropriate congres-
6 sional committees a report on each country in which a Co-
7 operative Threat Reduction program is being carried out.
8 The report shall describe that country’s commitments to—

9 (1) making substantial national investments in
10 infrastructure to secure, safeguard, and destroy
11 weapons of mass destruction;

12 (2) forgoing any military modernization exceed-
13 ing legitimate defense requirements, including re-
14 placement of weapons of mass destruction;

15 (3) forgoing any use of fissionable materials or
16 any other components of deactivated nuclear weap-
17 ons in a new nuclear weapons program;

18 (4) complying with all relevant arms control
19 agreements;

20 (5) adopting and enforcing national and inter-
21 national export controls over munitions and dual-use
22 items; and

23 (6) facilitating the verification by the United
24 States and international community of that coun-
25 try’s compliance with such commitments.

1 (b) FORM.—The report required under subsection (a)
2 may be submitted with the report required under section
3 403 of the Arms Control and Disarmament Act (22
4 U.S.C. 2593a).

5 **SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO**
6 **CERTAIN NONPROLIFERATION ACTIVITIES.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the President shall submit to the appro-
9 priate congressional committees a report identifying im-
10 pediments (including liability concerns, taxation issues, ac-
11 cess rights, and other impediments) to—

12 (1) the ongoing renegotiation of the umbrella
13 agreement relating to Cooperative Threat Reduction;
14 and

15 (2) the ongoing negotiations for the implemen-
16 tation of the Plutonium Disposition Program, the
17 Nuclear Cities Initiative, and other defense nuclear
18 nonproliferation programs.

19 **SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION**
20 **INITIATIVE.**

21 Section 3132 of the Ronald W. Reagan National De-
22 fense Authorization Act for Fiscal Year 2005 (Public Law
23 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

24 (1) in subsection (b)—

1 (A) in the subsection heading, by striking
2 “PROGRAM AUTHORIZED” and inserting “PRO-
3 GRAM REQUIRED”; and

4 (B) by striking “The Secretary of Energy
5 may” and inserting “The President, acting
6 through the Secretary of Energy, shall”; and

7 (2) in subsection (c)(1), by adding at the end
8 the following new subparagraph:

9 “(N) Take such other actions as may be nec-
10 essary to effectively implement the Global Threat
11 Reduction Initiative.”.

12 **SEC. 331. EXPANSION OF PROLIFERATION SECURITY INI-**
13 **TIATIVE.**

14 (a) SENSE OF CONGRESS RELATING TO PROLIFERA-
15 TION SECURITY INITIATIVE.—It is the sense of Congress
16 that—

17 (1) the President should strive to expand and
18 strengthen the Proliferation Security Initiative an-
19 nounced by the President on May 31, 2003, placing
20 particular emphasis on including countries outside of
21 NATO; and

22 (2) the United States should engage the United
23 Nations to develop a Security Council Resolution to
24 authorize the Proliferation Security Initiative under
25 international law, including by providing legal au-

1 thority to stop shipments of weapons of mass de-
2 struction, their delivery systems, and related mate-
3 rials.

4 (b) **AUTHORIZATION OF APPROPRIATIONS RELATING**
5 **TO PROLIFERATION SECURITY INITIATIVE.**—There are
6 authorized to be appropriated for fiscal year 2007,
7 \$50,000,000 to conduct joint training exercises regarding
8 interdiction of weapons of mass destruction under the Pro-
9 liferation Security Initiative. Particular emphasis should
10 be given to allocating funds from such amount—

11 (1) to invite other countries that do not partici-
12 pate in the Proliferation Security Initiative to ob-
13 serve the joint training exercises; and

14 (2) to conduct training exercises with countries
15 that openly join the Proliferation Security Initiative
16 after the date of the enactment of this Act.

17 **SEC. 332. SENSE OF CONGRESS RELATING TO INTER-**
18 **NATIONAL SECURITY STANDARDS FOR NU-**
19 **CLEAR WEAPONS AND MATERIALS.**

20 It is the sense of Congress that the President should
21 seek to devise and implement standards to improve the
22 security of nuclear weapons and materials by—

23 (1) establishing with other willing nations a set
24 of performance-based standards for the security of
25 nuclear weapons and weapons;

1 (2) negotiating with those nations an agreement
2 to adopt the standards and implement appropriate
3 verification measures to assure ongoing compliance;
4 and

5 (3) coordinating with those nations and the
6 International Atomic Energy Agency to strongly en-
7 courage other states to adopt and verifiably imple-
8 ment the standards.

9 **SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING**
10 **TO INVENTORY OF RUSSIAN TACTICAL NU-**
11 **CLEAR WARHEADS AND DATA EXCHANGES.**

12 In addition to any other amounts authorized to be
13 appropriated for such purposes, there are authorized to
14 be appropriated to the Administrator for Nuclear Security
15 for fiscal year 2007, \$5,000,000 for assistance to Russia
16 to facilitate the conduct of a comprehensive inventory of
17 the stockpile of Russia of—

18 (1) non-strategic nuclear weapons; and

19 (2) nuclear weapons, whether strategic or non-
20 strategic, that are not secured by PALs or other
21 electronic means.

1 **SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF**
2 **RUSSIA'S NON-STRATEGIC NUCLEAR WEAP-**
3 **ONS.**

4 Not later than 120 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to the appropriate congressional committees a report on
7 Russia's non-strategic nuclear weapons. The report
8 shall—

9 (1) detail past and current efforts of the United
10 States to encourage a proper accounting for and se-
11 curing of Russia's non-strategic nuclear weapons
12 and Russia's nuclear weapons, whether strategic or
13 non-strategic, that are not secured by PALs or other
14 electronic means;

15 (2) detail the actions that are most likely to
16 lead to progress in improving the accounting for and
17 securing or dismantlement of such weapons; and

18 (3) detail the feasibility of enhancing the na-
19 tional security of the United States by developing in-
20 creased transparency between the United States and
21 Russia with respect to the numbers, locations, and
22 descriptions of such weapons and of the cor-
23 responding weapons of the United States.

1 **SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING AL-**
2 **TERNATIVE USE OF WEAPONS OF MASS DE-**
3 **STRUCTION EXPERTISE.**

4 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding
5 any other provision of law and subject to subsection (c),
6 any funds available to a department or agency of the Fed-
7 eral Government may be used to conduct non-defense re-
8 search and development in Russia and the states of the
9 former Soviet Union on technologies specified in sub-
10 section (b) utilizing scientists in Russia and the states of
11 the former Soviet Union who have expertise in—

12 (1) nuclear weapons; or

13 (2) chemical or biological weapons, but only if
14 such scientists no longer engage, or have never en-
15 gaged, in activities supporting prohibited chemical or
16 biological capabilities.

17 (b) **TECHNOLOGIES.**—The technologies specified in
18 this subsection are technologies on the following:

19 (1) Environmental restoration and monitoring.

20 (2) Proliferation detection.

21 (3) Health and medicine, including research.

22 (4) Energy.

23 (c) **LIMITATION.**—Funds may not be used under sub-
24 section (a) for research and development if the Secretary
25 of State, in consultation with the Secretary of Defense and

1 the Secretary of Energy, determines that such research
2 and development will—

3 (1) pose a threat to the security interests of the
4 United States; or

5 (2) further materially any defense technology.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated to the Department of State
9 \$20,000,000 for fiscal year 2007 for the following
10 purposes:

11 (A) To make determinations under sub-
12 section (c).

13 (B) To defray any increase in costs in-
14 curred by the Department of State, or any
15 other department or agency of the Federal Gov-
16 ernment, for research and development, or dem-
17 onstration, as a result of research and develop-
18 ment conducted under this section.

19 (2) AVAILABILITY.—(A) Amounts authorized to
20 be appropriated by paragraph (1) are authorized to
21 remain available until expended.

22 (B) Any amount transferred to a department or
23 agency of the Federal Government pursuant to para-
24 graph (1)(B) shall be merged with amounts available
25 to such department or agency to cover costs con-

1 cerned, and shall be available for the same purposes,
2 and for the same period, as amounts with which
3 merged.

4 **SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERA-**
5 **TION TREATY.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Article IV of the Treaty on the Non-Pro-
9 liferation of Nuclear Weapons (commonly referred to
10 as the Nuclear Nonproliferation Treaty or NPT) (21
11 UST 483) states that countries that are parties to
12 the treaty have the “inalienable right . . . to develop
13 research, production and use of nuclear energy for
14 peaceful purposes without discrimination and in con-
15 formity with articles I and II of this treaty.”.

16 (2) The rights outlined under article IV include
17 all fuel cycle activities, despite the fact that uranium
18 enrichment and plutonium production potentially put
19 a country in a position to produce weapons usable
20 material.

21 (3) David Bergmann, former chairman of the
22 Israeli Atomic Energy Commission, stated: “. . . by
23 developing atomic energy for peaceful uses, you
24 reach the nuclear weapon option. There are not two
25 atomic energies”.

1 (4) The wording of article IV has made it pos-
2 sible for countries that are parties to the NPT trea-
3 ty to use peaceful nuclear programs as a cover for
4 weapons programs. In particular, the misuse by
5 North Korea and Iran of these provisions threatens
6 to undercut the viability of the nuclear nonprolifera-
7 tion regime and the entire system of international
8 nuclear commerce.

9 (5) If the international community fails to de-
10 vise effective measures to deal with the “loophole” in
11 article IV, then there is a great likelihood that the
12 ranks of countries possessing nuclear weapons will
13 increase markedly in the next decade.

14 (b) **PRESIDENTIAL REPORT ON CONTROL OF NU-**
15 **CLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—**
16 Not later than 90 days after the date of the enactment
17 of this Act, the President shall submit to the appropriate
18 congressional committees a report identifying ways to
19 more effectively control nuclear fuel cycle technologies and
20 material, including ways that the United States can mobi-
21 lize the international community to close the “loophole”
22 of article IV of the NPT, without undermining the treaty
23 itself.

24 **SEC. 337. DEFINITIONS.**

25 In this subtitle:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on International Rela-
5 tions, the Committee on Armed Services, the
6 Committee on Homeland Security, and the
7 Committee on Appropriations of the House of
8 Representatives; and

9 (B) the Committee on Foreign Relations,
10 the Committee on Armed Services, the Com-
11 mittee on Homeland Security and Govern-
12 mental Affairs, and the Committee on Appro-
13 priations of the Senate.

14 (2) COOPERATIVE THREAT REDUCTION PRO-
15 GRAMS.—The term “Cooperative Threat Reduction
16 programs” means programs and activities specified
17 in section 1501(b) of the National Defense Author-
18 ization Act for Fiscal Year 1997 (Public Law 104–
19 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

20 **DIVISION B—COMBATTING**
21 **TERRORISM**

22 **SEC. 1001. SHORT TITLE.**

23 This division may be cited as the “Targeting Terror-
24 ists More Effectively Act of 2006”.

1 **TITLE XI—EFFECTIVELY**
2 **TARGETING TERRORISTS**

3 **SEC. 1101. SENSE OF CONGRESS ON SPECIAL OPERATIONS**
4 **FORCES AND RELATED MATTERS.**

5 It is the sense of Congress that—

6 (1) the number of active-duty Army Special
7 Forces-qualified personnel should be increased dur-
8 ing the four years after the date of the enactment
9 of this Act so that on the date that is four years
10 after the date of such enactment such number is
11 9,290;

12 (2) an additional 16 Predator aircraft should be
13 acquired for the Air Force Special Operations Com-
14 mand by the end of fiscal year 2008;

15 (3) an additional Special Operations squadron
16 should be established not later than fiscal year 2009;
17 and

18 (4) the increase in the number of regular and
19 reserve component personnel who are assigned civil
20 affairs duty should be accelerated.

21 **SEC. 1102. FOREIGN LANGUAGE EXPERTISE.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) Success in the global war on terrorism will
25 require a dramatic increase in institutional and per-

1 sonal expertise in the languages and cultures of the
2 societies where terrorism has taken root, including a
3 substantial increase in the number of national secu-
4 rity personnel who obtain expert lingual training.

5 (2) The National Commission on Terrorist At-
6 tacks Upon the United States identified the coun-
7 tries in the Middle East, South Asia, Southeast
8 Asia, and West Africa as countries that serve or
9 could serve as terrorist havens.

10 (3) Although 22 countries have Arabic as their
11 official language, the National Commission on Ter-
12 rorist Attacks Upon the United States found that a
13 total of only 6 undergraduate degrees for the study
14 of Arabic were granted by United States colleges
15 and universities in 2002.

16 (4) The report of the National Commission on
17 Terrorist Attacks Upon the United States contained
18 several criticisms of the lack of linguistic expertise
19 in the Central Intelligence Agency and the Federal
20 Bureau of Investigation prior to the September 11,
21 2001 terrorist attacks, and called for the Central In-
22 telligence Agency to “develop a stronger language
23 program, with high standards and sufficient finan-
24 cial incentives”.

1 (5) An audit conducted by the Department of
2 Justice in July 2004, revealed that the Federal Bu-
3 reau of Investigation has a backlog of hundreds of
4 thousands of untranslated audio recordings from ter-
5 ror and espionage investigations.

6 (6) The National Security Education Program
7 Trust Fund, which funds critical grant and scholar-
8 ship programs for linguistic training in regions crit-
9 ical to national security, will have exhausted all its
10 funding by fiscal year 2006, unless additional appro-
11 priations are made to the Trust Fund.

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

14 (1) the overwhelming majority of Muslims re-
15 ject terrorism and a small, radical minority has
16 grossly distorted the teachings of one of the world's
17 great faiths to seek justification for acts of ter-
18 rorism, such radical Islamic fundamentalism con-
19 stitutes a primary threat to the national security in-
20 terests of the United States, and an effective strat-
21 egy for combating terrorism should include increas-
22 ing the number of personnel throughout the Federal
23 Government with expertise in languages spoken in
24 predominately Muslim countries and in the culture
25 of such countries;

1 (2) Muslim-Americans constitute an integral
2 and cherished part of the fabric of American society
3 and possess many talents, including linguistic, his-
4 toric, and cultural expertise that should be har-
5 nessed in the war against radical, fundamentalist
6 terror; and

7 (3) amounts appropriated for the National
8 Flagship Language Initiative pursuant to the
9 amendments made by subsection (e)(2) should be
10 used to support the establishment, operation, and
11 improvement of programs for the study of Arabic,
12 Persian, and other Middle Eastern, South Asian,
13 Southeast Asian, and West African languages in in-
14 stitutes of higher education in the United States.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) NATIONAL SECURITY EDUCATION TRUST
17 FUND.—Section 810 of the David L. Boren National
18 Security Education Act of 1991 (50 U.S.C. 1910) is
19 amended by adding at the end the following:

20 “(d) AUTHORIZATION OF APPROPRIATIONS FOR THE
21 FUND FOR FISCAL YEAR 2007.—

22 “(1) IN GENERAL.—There are authorized to be
23 appropriated to the Fund \$150,000,000 for fiscal
24 year 2007.

1 “(2) AVAILABILITY OF FUNDS.—Amounts ap-
2 propriated pursuant to the authorization of appro-
3 priations in paragraph (1) shall remain available
4 until expended and not more than \$15,000,000 of
5 such amounts may be obligated and expended during
6 any fiscal year.”.

7 (2) NATIONAL FLAGSHIP LANGUAGE INITIA-
8 TIVE.—

9 (A) IN GENERAL.—Section 811(a) of the
10 David L. Boren National Security Education
11 Act of 1991 (50 U.S.C. 1911(a)) is amended by
12 striking “there is authorized to be appropriated
13 to the Secretary for each fiscal year, beginning
14 with fiscal year 2003, \$10,000,000” and insert-
15 ing “there are authorized to be appropriated to
16 the Secretary for each fiscal year 2003 through
17 2006, \$10,000,000, and for each fiscal year
18 after fiscal year 2006, \$20,000,000,”.

19 (B) AVAILABILITY OF FUNDS.—Section
20 811(b) of such Act (50 U.S.C. 1911(b)) is
21 amended by inserting “for fiscal years 2003
22 through 2006” after “this section”.

23 (3) DEMONSTRATION PROGRAM.—There are au-
24 thorized to be appropriated to the Director of Na-
25 tional Intelligence such sums as may be necessary

1 for each of fiscal years 2007, 2008, and 2009 in
2 order to carry out the demonstration program estab-
3 lished under subsection (c).

4 **SEC. 1103. CURTAILING TERRORIST FINANCING.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The report of the National Commission on
8 Terrorist Attacks Upon the United States stated
9 that “[v]igorous efforts to track terrorist financing
10 must remain front and center in United States
11 counterterrorism efforts”.

12 (2) The report of the Independent Task Force
13 sponsored by the Council on Foreign Relations stat-
14 ed that “currently existing U. S. and international
15 policies, programs, structures, and organizations will
16 be inadequate to assure sustained results commensu-
17 rate with the ongoing threat posed to the national
18 security of the United States”.

19 (3) The report of the Independent Task Force
20 contained the conclusion that “[l]ong-term success
21 will depend critically upon the structure, integration,
22 and focus of the U. S. Government—and any inter-
23 governmental efforts undertaken to address this
24 problem”.

25 (b) POLICY.—It is the policy of the United States—

1 (1) to work with the Government of Saudi Ara-
2 bia to curtail terrorist financing originating from
3 that country using a range of methods, including di-
4 plomacy, intelligence, and law enforcement;

5 (2) to ensure effective coordination and suffi-
6 cient resources for efforts of the agencies and de-
7 partments of the United States to disrupt terrorist
8 financing by carrying out, through the Office of Ter-
9 rorism and Financial Intelligence in the Department
10 of the Treasury, a comprehensive analysis of the
11 budgets and activities of all such agencies and de-
12 partments that are related to disrupting the financ-
13 ing of terrorist organizations;

14 (3) to provide each agency or department of the
15 United States with the appropriate number of per-
16 sonnel to carry out the activities of such agency or
17 department related to disrupting the financing of
18 terrorist organizations;

19 (4) to centralize the coordination of the efforts
20 of the United States to combat terrorist financing
21 and utilize existing authorities to identify foreign ju-
22 risdictions and foreign financial institutions sus-
23 pected of abetting terrorist financing and take ac-
24 tions to prevent the provision of assistance to terror-
25 ists; and

1 (5) to work with other countries to develop and
2 enforce strong domestic terrorist financing laws, and
3 increase funding for bilateral and multilateral pro-
4 grams to enhance training and capacity-building in
5 countries who request assistance.

6 (c) AUTHORIZATION OF APPROPRIATIONS TO PRO-
7 VIDE TECHNICAL ASSISTANCE TO PREVENT FINANCING
8 OF TERRORISTS.—

9 (1) IN GENERAL.—There are authorized to be
10 appropriated to the President for the “Economic
11 Support Fund” to provide technical assistance under
12 the provisions of chapter 4 of part II of the Foreign
13 Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to
14 foreign countries to assist such countries in pre-
15 venting the financing of terrorist activities—

16 (A) for fiscal year 2007, \$300,000,000;
17 and

18 (B) for fiscal years 2008 and 2009, such
19 sums as may be necessary.

20 (2) AVAILABILITY OF FUNDS.—Amounts appro-
21 priated pursuant to the authorization of appropria-
22 tions in this subsection are authorized to remain
23 available until expended.

24 (3) ADDITIONAL FUNDS.—Amounts authorized
25 to be appropriated under this subsection are in addi-

1 tion to amounts otherwise available for such pur-
2 poses.

3 **SEC. 1104. PROHIBITION ON TRANSACTIONS WITH COUN-**
4 **TRIES THAT SUPPORT TERRORISM.**

5 (a) CLARIFICATION OF CERTAIN ACTIONS UNDER
6 IEEPA.—In any case in which the President takes action
7 under the International Emergency Economic Powers Act
8 (50 U.S.C. 1701 et seq.) with respect to a foreign country,
9 or persons dealing with or associated with the government
10 of that foreign country, and the government of that for-
11 eign country is determined by the Secretary of State to
12 have repeatedly provided support for acts of international
13 terrorism, such action shall apply to a United States per-
14 son or other person.

15 (b) DEFINITIONS.—In this section:

16 (1) CONTROLLED IN FACT.—The term “is con-
17 trolled in fact” includes—

18 (A) in the case of a corporation, holds at
19 least 50 percent (by vote or value) of the capital
20 structure of the corporation; and

21 (B) in the case of any other kind of legal
22 entity, holds interests representing at least 50
23 percent of the capital structure of the entity.

24 (2) STATE.—The term “State” means each of
25 the several States of the United States, the District

1 of Columbia, the Commonwealth of Puerto Rico,
2 Guam, the Virgin Islands, and other territories or
3 possessions of the United States.

4 (3) UNITED STATES PERSON.—The term
5 “United States person” includes any United States
6 citizen, permanent resident alien, entity organized
7 under the law of the United States or of any State
8 (including foreign branches), wherever located, or
9 any other person in the United States.

10 (c) APPLICABILITY.—

11 (1) IN GENERAL.—In any case in which the
12 President has taken action under the International
13 Emergency Economic Powers Act and such action is
14 in effect on the date of the enactment of this Act,
15 the provisions of subsection (a) shall not apply to a
16 United States person (or other person) if such per-
17 son divests or terminates its business with the gov-
18 ernment or person identified by such action within
19 90 days after the date of the enactment of this Act.

20 (2) ACTIONS AFTER DATE OF ENACTMENT.—In
21 any case in which the President takes action under
22 the International Emergency Economic Powers Act
23 on or after the date of the enactment of this Act,
24 the provisions of subsection (a) shall not apply to a
25 United States person (or other person) if such per-

1 son divests or terminates its business with the gov-
 2 ernment or person identified by such action within
 3 90 days after the date of such action.

4 (d) NOTIFICATION OF CONGRESS OF TERMINATION
 5 OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CON-
 6 TROL.—The Office of Federal Procurement Policy Act (41
 7 U.S.C. 403 et seq.) is amended by adding at the end the
 8 following new section:

9 **“SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION**
 10 **OF INVESTIGATION BY OFFICE OF FOREIGN**
 11 **ASSETS CONTROL.**

12 “The Director of the Office of Foreign Assets Control
 13 shall notify Congress upon the termination of any inves-
 14 tigation by the Office of Foreign Assets Control of the
 15 Department of the Treasury if any sanction is imposed
 16 by the Director of such office as a result of the investiga-
 17 tion.”.

18 **SEC. 1105. COMPTROLLER GENERAL REPORT ON UNITED**
 19 **KINGDOM AND UNITED STATES ANTI-TER-**
 20 **RORISM POLICIES AND PRACTICES.**

21 (a) REPORT REQUIRED.—Not later than July 1,
 22 2007, the Comptroller General of the United States shall
 23 submit to Congress a report setting forth a comparative
 24 analysis of the anti-terrorism policies and practices of the
 25 United Kingdom and the United States.

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include a comparative analysis of the following:

3 (1) The counter-intelligence laws and methods
4 of the United Kingdom and the United States.

5 (2) The structure of the intelligence and law
6 enforcement agencies of the United Kingdom Gov-
7 ernment and the United States Government.

8 (3) The compliance by the executive agencies of
9 the United Kingdom and the United States with the
10 laws of such country applicable to terrorism.

11 (4) The constitutional and legal considerations
12 that enter into the development of anti-terrorism
13 policies in the United Kingdom and the United
14 States.

15 **SEC. 1106. ENHANCEMENT OF INTELLIGENCE COMMUNITY**
16 **EFFORTS TO BRING OSAMA BIN LADEN AND**
17 **OTHER AL QAEDA LEADERS TO JUSTICE.**

18 (a) ADDITIONAL APPROPRIATION FOR INTEL-
19 LIGENCE COMMUNITY MANAGEMENT ACCOUNT.—There
20 is hereby appropriated for the fiscal year ending Sep-
21 tember 30, 2007, for the Intelligence Community Manage-
22 ment Account \$200,000,000 which amount shall be avail-
23 able only for a unit dedicated to bringing to justice Osama
24 bin Laden and other key leaders of al Qaeda.

1 (b) REPORTS ON EFFORTS.—Not later than 60 days
2 after the date of the enactment of this Act, and every 90
3 days thereafter, the Secretary of Defense shall, in con-
4 sultation with other appropriate officials, submit to the
5 congressional defense committees, the Committee on
6 International Relations of the House of Representatives,
7 and the Committee on Foreign Relations of the Senate
8 a classified report on progress made by the operations in
9 the global war on terrorism for which funding is provided
10 in subsection (a), including—

11 (1) an assessment of the likely current location
12 of terrorist leaders (including Osama bin Laden and
13 other key leaders of al Qaeda);

14 (2) a description of ongoing efforts to bring to
15 justice such terrorists;

16 (3) a description of the cooperation provided by
17 the governments of any countries assessed as likely
18 locations of top leaders of al Qaeda and by other rel-
19 evant countries;

20 (4) a description of diplomatic efforts currently
21 being made to improve the cooperation of any gov-
22 ernments described in paragraph (3); and

23 (5) a description of the status of, and strategy
24 for bringing to justice, perpetrators of terrorism in-
25 cluding the top leadership of al Qaeda.

1 **TITLE XII—PREVENTING THE**
2 **GROWTH OF RADICAL IS-**
3 **LAMIC FUNDAMENTALISM**
4 **Subtitle A—Quality Educational**
5 **Opportunities**

6 **SEC. 1201. FINDINGS, POLICY, AND DEFINITION.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The report of the National Commission on
10 Terrorist Attacks Upon the United States stated
11 that “[e]ducation that teaches tolerance, the dignity
12 and value of each individual, and respect for dif-
13 ferent beliefs is a key element in any global strategy
14 to eliminate Islamic terrorism”.

15 (2) According to the United Nations Develop-
16 ment Program Arab Human Development Report
17 for 2002, 10,000,000 children between the ages of
18 6 through 15 in the Arab world do not attend
19 school, and $\frac{2}{3}$ of the 65,000,000 illiterate adults in
20 the Arab world are women.

21 (3) The report of the National Commission on
22 Terrorist Attacks Upon the United States concluded
23 that ensuring educational opportunity is essential to
24 the efforts of the United States to defeat global ter-
25 rorism and recommended that the United States

1 Government “should offer to join with other nations
2 in generously supporting [spending funds] . . . di-
3 rectly on building and operating primary and sec-
4 ondary schools in those Muslim states that commit
5 to sensibly investing financial resources in public
6 education”.

7 (b) POLICY.—It is the policy of the United States—

8 (1) to work toward the goal of dramatically in-
9 creasing the availability of basic education in the de-
10 veloping world, which will reduce the influence of
11 radical madrassas and other institutions that pro-
12 mote religious extremism;

13 (2) to join with other countries in generously
14 supporting the International Youth Opportunity
15 Fund authorized under section 7114 of the 9/11
16 Commission Implementation Act of 2004 (Public
17 Law 108–458), with the goal of building and oper-
18 ating primary and secondary schools in Muslim
19 countries that commit to sensibly investing the re-
20 sources of such countries in public education;

21 (3) to work with the international community,
22 including foreign countries and international organi-
23 zations to raise \$7,000,000,000 to \$10,000,000,000
24 each year to fund education programs in Muslim
25 countries;

1 (4) to offer additional incentives to countries to
2 increase the availability of basic education; and

3 (5) to work to prevent financing of educational
4 institutions that support radical Islamic fundamen-
5 talism.

6 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this subtitle, the term “appropriate congres-
8 sional committees” means the Committee on Foreign Re-
9 lations and the Committee on Appropriations of the Sen-
10 ate and the Committee on International Relations and the
11 Committee on Appropriations of the House of Representa-
12 tives.

13 **SEC. 1202. ANNUAL REPORT TO CONGRESS.**

14 Not later than June 1 each year, the Secretary of
15 State shall submit to the appropriate congressional com-
16 mittees a report on the efforts of countries in the devel-
17 oping world to increase the availability of basic education
18 and to close educational institutions that promote religious
19 extremism and terrorism. Each report shall include—

20 (1) a list of countries that are making serious
21 and sustained efforts to increase the availability of
22 basic education and to close educational institutions
23 that promote religious extremism and terrorism;

24 (2) a list of countries that are making efforts
25 to increase the availability of basic education and to

1 close educational institutions that promote religious
2 extremism and terrorism, but such efforts are not
3 serious and sustained; and

4 (3) a list of countries that are not making ef-
5 forts to increase the availability of basic education
6 and to close educational institutions that promote
7 religious extremism and terrorism.

8 **SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) INTERNATIONAL EDUCATION PROGRAMS.—There
10 are authorized to be appropriated to the President for
11 “Development Assistance” for international education
12 programs carried out under sections 105 and 496 of the
13 Foreign Assistance Act of 1961 (22 U.S.C. 2151e and
14 2293)—

15 (1) for fiscal year 2007, \$1,000,000,000; and

16 (2) for fiscal years 2008 and 2009, such sums
17 as may be necessary.

18 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—
19 There are authorized to be appropriated to the President
20 for fiscal years 2007, 2008, and 2009 such sums as may
21 be necessary for the United States contribution to the
22 International Youth Opportunity Fund authorized under
23 section 7114 of the 9/11 Commission Implementation Act
24 of 2004 (Public Law 108–458) for international education
25 programs.

1 (c) ADDITIONAL FUNDS.—Amounts authorized to be
2 appropriated in this section are in addition to amounts
3 otherwise available for such purposes.

4 **Subtitle B—Democracy and**
5 **Development in the Muslim World**

6 **SEC. 1211. PROMOTING DEMOCRACY AND DEVELOPMENT**
7 **IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH**
8 **ASIA, AND SOUTHEAST ASIA.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) Al-Qaeda and affiliated groups have estab-
12 lished a terrorist network with linkages throughout
13 the Middle East, Central Asia, South Asia, and
14 Southeast Asia.

15 (2) While political repression and lack of eco-
16 nomic development do not justify terrorism, in-
17 creased political freedoms and economic growth can
18 contribute to an environment that undercuts ten-
19 dencies and conditions that facilitate the rise of ter-
20 rorist organizations.

21 (3) It is in the national security interests of the
22 United States to promote democracy, good govern-
23 ance, political freedom, independent media, women's
24 rights, private sector development, and open eco-

1 nomic systems in the countries of the Middle East,
2 Central Asia, South Asia, and Southeast Asia.

3 (b) POLICY.—It is the policy of the United States—

4 (1) to promote the objectives described in sub-
5 section (a)(3) in the countries of the Middle East,
6 Central Asia, South Asia, and Southeast Asia;

7 (2) to provide assistance and resources to orga-
8 nizations that are committed to promoting such ob-
9 jectives; and

10 (3) to work with other countries and inter-
11 national organizations to increase the resources de-
12 voted to promoting such objectives.

13 (c) STRATEGY.—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary of State
15 shall submit to Congress a strategy to promote the policy
16 of the United States set out in subsection (b). Such strat-
17 egy shall describe how funds appropriated pursuant to the
18 authorization of appropriations in subsection (d) will be
19 used.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There are authorized to be
22 appropriated to the President for the “Economic
23 Support Fund” for activities carried out under chap-
24 ter 4 of part II of the Foreign Assistance Act of

1 1961 (22 U.S.C. 2346 et seq.) to promote the policy
2 of the United States set out in subsection (b)—

3 (A) for fiscal year 2007, \$500,000,000;

4 and

5 (B) for fiscal years 2008 and 2009, such
6 sums as may be necessary.

7 (2) SENSE OF CONGRESS ON USE OF FUNDS.—

8 It is the sense of Congress that a substantial portion
9 of the funds appropriated pursuant to the authoriza-
10 tion of appropriations in paragraph (1) should be
11 made available to non-governmental organizations
12 that have a record of success working in the coun-
13 tries of the Middle East, Central Asia, South Asia,
14 and Southeast Asia to build and support democratic
15 institutions, democratic parties, human rights orga-
16 nizations, independent media, and the efforts to pro-
17 mote the rights of women.

18 (3) ADDITIONAL FUNDS.—Amounts authorized
19 to be appropriated in paragraph (1) are in addition
20 to amounts otherwise available for such purposes.

21 **SEC. 1212. MIDDLE EAST FOUNDATION.**

22 (a) PURPOSES.—The purposes of this section are to
23 support, through the provision of grants, technical assist-
24 ance, training, and other programs, in the countries of the
25 Middle East, the expansion of—

- 1 (1) civil society;
- 2 (2) opportunities for political participation for
3 all citizens;
- 4 (3) protections for internationally recognized
5 human rights, including the rights of women;
- 6 (4) educational system reforms;
- 7 (5) independent media;
- 8 (6) policies that promote economic opportunities
9 for citizens;
- 10 (7) the rule of law; and
- 11 (8) democratic processes of government.

12 (b) MIDDLE EAST FOUNDATION.—

13 (1) DESIGNATION.—The Secretary of State is
14 authorized to designate an appropriate private, non-
15 profit organization that is organized or incorporated
16 under the laws of the United States or of a State
17 as the Middle East Foundation (referred to in this
18 section as the “Foundation”).

19 (2) FUNDING.—The Secretary of State is au-
20 thorized to provide funding to the Foundation
21 through the Middle East Partnership Initiative of
22 the Department of State. The Foundation shall use
23 amounts provided under this paragraph to carry out
24 the purposes of this section, including through mak-

1 ing grants and providing other assistance to entities
2 to carry out programs for such purposes.

3 (3) NOTIFICATION TO CONGRESSIONAL COMMIT-
4 TEES.—The Secretary of State shall notify the Com-
5 mittee on Foreign Relations of the Senate and the
6 Committee on International Relations of the House
7 of Representatives prior to designating an appro-
8 priate organization as the Foundation.

9 (c) GRANTS FOR PROJECTS.—

10 (1) FOUNDATION TO MAKE GRANTS.—The Sec-
11 retary of State shall enter into an agreement with
12 the Foundation that requires the Foundation to use
13 the funds provided under subsection (b)(2) to make
14 grants to persons (other than governments or gov-
15 ernment entities) located in the Middle East or
16 working with local partners based in the Middle
17 East to carry out projects that support the purposes
18 specified in subsection (a).

19 (2) CENTER FOR PUBLIC POLICY.—Under the
20 agreement described in paragraph (1), the Founda-
21 tion may make a grant to an institution of higher
22 education located in the Middle East to create a cen-
23 ter for public policy for the purpose of permitting
24 scholars and professionals from the countries of the
25 Middle East and from other countries, including the

1 United States, to carry out research, training pro-
2 grams, and other activities to inform public policy-
3 making in the Middle East and to promote broad
4 economic, social, and political reform for the people
5 of the Middle East.

6 (3) APPLICATIONS FOR GRANTS.—An entity
7 seeking a grant from the Foundation under this sec-
8 tion shall submit an application to the head of the
9 Foundation at such time, in such manner, and in-
10 cluding such information as the head of the Founda-
11 tion may reasonably require.

12 (d) PRIVATE CHARACTER OF THE FOUNDATION.—
13 Nothing in this section shall be construed to—

14 (1) make the Foundation an agency or estab-
15 lishment of the United States Government, or to
16 make the officers or employees of the Foundation of-
17 ficers or employees of the United States for purposes
18 of title 5, United States Code; or

19 (2) to impose any restriction on the Founda-
20 tion's acceptance of funds from private and public
21 sources in support of its activities consistent with
22 the purposes of this section.

23 (e) LIMITATION ON PAYMENTS TO FOUNDATION
24 PERSONNEL.—No part of the funds provided to the Foun-
25 dation under this section shall inure to the benefit of any

1 officer or employee of the Foundation, except as salary
2 or reasonable compensation for services.

3 (f) RETENTION OF INTEREST.—The Foundation may
4 hold funds provided under this section in interest-bearing
5 accounts prior to the disbursement of such funds to carry
6 out the purposes of this section, and may retain for use
7 for such purposes any interest earned without returning
8 such interest to the Treasury of the United States and
9 without further appropriation by Congress.

10 (g) FINANCIAL ACCOUNTABILITY.—

11 (1) INDEPENDENT PRIVATE AUDITS OF THE
12 FOUNDATION.—The accounts of the Foundation
13 shall be audited annually in accordance with gen-
14 erally accepted auditing standards by independent
15 certified public accountants or independent licensed
16 public accountants certified or licensed by a regu-
17 latory authority of a State or other political subdivi-
18 sion of the United States. The report of the inde-
19 pendent audit shall be included in the annual report
20 required by subsection (h).

21 (2) GAO AUDITS.—The financial transactions
22 undertaken pursuant to this section by the Founda-
23 tion may be audited by the General Accounting Of-
24 fice in accordance with such principles and proce-
25 dures and under such rules and regulations as may

1 be prescribed by the Comptroller General of the
2 United States.

3 (3) AUDITS OF GRANT RECIPIENTS.—

4 (A) IN GENERAL.—A recipient of a grant
5 from the Foundation shall agree to permit an
6 audit of the books and records of such recipient
7 related to the use of the grant funds.

8 (B) RECORDKEEPING.—Such recipient
9 shall maintain appropriate books and records to
10 facilitate an audit referred to subparagraph
11 (A), including—

12 (i) separate accounts with respect to
13 the grant funds;

14 (ii) records that fully disclose the use
15 of the grant funds;

16 (iii) records describing the total cost
17 of any project carried out using grant
18 funds; and

19 (iv) the amount and nature of any
20 funds received from other sources that
21 were combined with the grant funds to
22 carry out a project.

23 (h) ANNUAL REPORTS.—Not later than January 31,
24 2007, and annually thereafter, the Foundation shall sub-
25 mit to Congress and make available to the public an an-

1 nual report that includes, for the fiscal year prior to the
2 fiscal year in which the report is submitted, a comprehen-
3 sive and detailed description of—

4 (1) the operations and activities of the Founda-
5 tion that were carried out using funds provided
6 under this section;

7 (2) grants made by the Foundation to other en-
8 tities with funds provided under this section;

9 (3) other activities of the Foundation to further
10 the purposes of this section; and

11 (4) the financial condition of the Foundation.

12 **Subtitle C—Restoring American**
13 **Moral Leadership**

14 **SEC. 1221. ADVANCING UNITED STATES INTERESTS**
15 **THROUGH PUBLIC DIPLOMACY.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) The United States needs to improve its
19 communication of information and ideas to people in
20 foreign countries, particularly in countries with sig-
21 nificant Muslim populations.

22 (2) Public diplomacy should reaffirm the para-
23 mount commitment of the United States to demo-
24 cratic principles, including preserving the civil lib-

1 erties of all the people of the United States, includ-
2 ing Muslim-Americans.

3 (3) The report of the National Commission on
4 Terrorist Attacks Upon the United States stated
5 that, “Recognizing that Arab and Muslim audiences
6 rely on satellite television and radio, the government
7 has begun some promising initiatives in television
8 and radio broadcasting to the Arab world, Iran, and
9 Afghanistan. These efforts are beginning to reach
10 large audiences. The Broadcasting Board of Gov-
11 ernors has asked for much larger resources. It
12 should get them.”.

13 (4) A significant expansion of United States
14 international broadcasting would provide a cost-ef-
15 fective means of improving communication with
16 countries with significant Muslim populations by
17 providing news, information, and analysis, as well as
18 cultural programming, through both radio and tele-
19 vision broadcasts.

20 (b) **SPECIAL AUTHORITY FOR SURGE CAPACITY.**—
21 The United States International Broadcasting Act of 1994
22 (22 U.S.C. 6201 et seq.) is amended by adding at the end
23 the following new section:

24 **“SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.**

25 “(a) **EMERGENCY AUTHORITY.**—

1 “(1) IN GENERAL.—Whenever the President de-
2 termines it to be important to the national interests
3 of the United States and so certifies to the appro-
4 priate congressional committees, the President, on
5 such terms and conditions as the President may de-
6 termine, is authorized to direct any department,
7 agency, or other entity of the United States to fur-
8 nish the Broadcasting Board of Governors with such
9 assistance as may be necessary to provide inter-
10 national broadcasting activities of the United States
11 with a surge capacity to support United States for-
12 eign policy objectives during a crisis abroad.

13 “(2) SUPERSEDES EXISTING LAW.—The au-
14 thority of paragraph (1) supersedes any other provi-
15 sion of law.

16 “(3) SURGE CAPACITY DEFINED.—In this sub-
17 section, the term ‘surge capacity’ means the finan-
18 cial and technical resources necessary to carry out
19 broadcasting activities in a geographical area during
20 a crisis.

21 “(b) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There are authorized to be
23 appropriated to the President such sums as may be
24 necessary for the President to carry out this section,
25 except that no such amount may be appropriated

1 which, when added to amounts previously appro-
2 priated for such purpose but not yet obligated,
3 would cause such amounts to exceed \$25,000,000.

4 “(2) AVAILABILITY OF FUNDS.—Amounts ap-
5 propriated pursuant to the authorization of appro-
6 priations in this subsection are authorized to remain
7 available until expended.

8 “(3) DESIGNATION OF APPROPRIATIONS.—
9 Amounts appropriated pursuant to the authorization
10 of appropriations in this subsection may be referred
11 to as the ‘United States International Broadcasting
12 Surge Capacity Fund’.”.

13 (c) REPORT.—An annual report submitted to the
14 President and Congress by the Broadcasting Board of
15 Governors under section 305(a)(9) of the United States
16 International Broadcasting Act of 1994 (22 U.S.C.
17 6204(a)(9)) shall provide a detailed description of any ac-
18 tivities carried out under section 316 of such Act, as added
19 by subsection (b).

20 (d) AUTHORIZATION OF APPROPRIATIONS FOR
21 UNITED STATES INTERNATIONAL BROADCASTING ACTIVI-
22 TIES.—

23 (1) IN GENERAL.—In addition to amounts oth-
24 erwise available for such purposes, the following
25 amounts are authorized to be appropriated to carry

1 out United States Government broadcasting activi-
2 ties under the United States Information and Edu-
3 cational Exchange Act of 1948 (22 U.S.C. 1431 et
4 seq.), the United States International Broadcasting
5 Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign
6 Affairs Reform and Restructuring Act of 1998 (as
7 enacted in division G of the Omnibus Consolidated
8 and Emergency Supplemental Appropriations Act,
9 1999; Public Law 105–277), and this division, and
10 to carry out other authorities in law consistent with
11 such purposes:

12 (A) INTERNATIONAL BROADCASTING OPER-
13 ATIONS.—For “International Broadcasting Op-
14 erations”, \$500,000,000 for the fiscal year
15 2007.

16 (B) BROADCASTING CAPITAL IMPROVE-
17 MENTS.—For “Broadcasting Capital Improve-
18 ments”, \$70,000,000 for the fiscal year 2007.

19 (2) AVAILABILITY OF FUNDS.—Amounts appro-
20 priated pursuant to the authorization of appropria-
21 tions in this section are authorized to remain avail-
22 able until expended.

1 **SEC. 1222. DEPARTMENT OF STATE PUBLIC DIPLOMACY**
2 **PROGRAMS.**

3 (a) UNITED STATES EDUCATIONAL, CULTURAL, AND
4 PUBLIC DIPLOMACY PROGRAMS.—There are authorized to
5 be appropriated for the Department of State to carry out
6 public diplomacy programs of the Department under the
7 United States Information and Educational Exchange Act
8 of 1948, the Mutual Educational and Cultural Exchange
9 Act of 1961, Reorganization Plan Number 2 of 1977, the
10 Foreign Affairs Reform and Restructuring Act of 1998,
11 the Center for Cultural and Technical Interchange Be-
12 tween East and West Act of 1960, the Dante B. Fascell
13 North-South Center Act of 1991, and the National En-
14 dowment for Democracy Act, and to carry out other au-
15 thorities in law consistent with the purposes of such Acts
16 for “Educational and Cultural Exchange Programs”,
17 \$500,000,000 for the fiscal year 2007.

18 (b) ADMINISTRATION OF FOREIGN AFFAIRS.—There
19 are authorized to be appropriated for the Department of
20 State under “Administration of Foreign Affairs” to carry
21 out the authorities, functions, duties, and responsibilities
22 in the conduct of foreign affairs of the United States, and
23 for other purposes authorized by law for “Diplomatic and
24 Consular Programs”, \$500,000,000 for the fiscal year
25 2007, which shall only be available for public diplomacy
26 international information programs.

1 **SEC. 1223. TREATMENT OF DETAINEES.**

2 (a) FINDINGS.—Consistent with the report of the Na-
3 tional Commission on Terrorist Attacks Upon the United
4 States, Congress makes the following findings:

5 (1) Carrying out the global war on terrorism re-
6 quires the development of policies with respect to the
7 detention and treatment of captured international
8 terrorists that are adhered to by all coalition forces.

9 (2) Article 3 of the Convention Relative to the
10 Treatment of Prisoners of War, done at Geneva Au-
11 gust 12, 1949 (6 UST 3316), was specifically de-
12 signed for cases in which the usual rules of war do
13 not apply, and the minimum standards of treatment
14 pursuant to such Article are generally accepted
15 throughout the world as customary international
16 law.

17 (3) The Commission on Terrorist Attacks Upon
18 the United States urged to the United States to en-
19 gage its friends to develop a common coalition ap-
20 proach toward the detention and humane treatment
21 of captured terrorists. The 9/11 Public Discourse
22 Project went on to give the Administration a rank-
23 ing of “unfulfilled” in this area, commenting that
24 “[d]isussion either at home or abroad on how the
25 United States treats captured terrorists only makes
26 it harder to build the diplomatic, political and mili-

1 tary alliance necessary to fight the war on terror ef-
2 fectively”.

3 (b) POLICY.—The policy of the United States is as
4 follows:

5 (1) It is the policy of the United States to treat
6 all foreign persons captured, detained, interned, or
7 otherwise held in the custody of the United States
8 (hereinafter “detainees”) humanely and in accord-
9 ance with the legal obligations under United States
10 law and international law, including the obligations
11 in the Convention Against Torture, the Geneva Con-
12 ventions, and the Detainee Treatment Act of 2005.

13 (2) It is the policy of the United States that all
14 officials of the United States are bound both in war-
15 time and in peacetime by the legal prohibitions
16 against torture, cruel, inhumane, or degrading treat-
17 ment set out in the Constitution, laws, and treaties
18 of the United States, as reiterated by the Supreme
19 Court in *Hamdan v. Rumsfeld* (126 S. Ct. 2749
20 (2006)).

21 (3) If there is any doubt as to whether a de-
22 tainee is entitled to the protections afforded by the
23 Geneva Conventions, it is the policy of the United
24 States that such detainee shall enjoy the protections
25 of the Convention Relative to the Treatment of Pris-

1 oners of War, done at Geneva August 12, 1949 (6
2 UST 3316) until such time as the detainee's status
3 can be determined pursuant to the procedures au-
4 thorized by Army Regulation 190-8, Section 1-6.

5 (4) It is the policy of the United States to expe-
6 ditiously process and, if appropriate, prosecute de-
7 tainees in the custody of the United States, includ-
8 ing detainees in custody at Guantanamo Bay, Cuba.

9 (c) REPORTING.—The Secretary shall submit to the
10 appropriate congressional committees the following:

11 (1) Not later than 180 days after the date of
12 the enactment of this Act, a report setting forth the
13 number of individuals currently held at Guantanamo
14 Bay, Cuba, the number of such individuals who are
15 unlikely to face a military commission in the next six
16 months, and each reason for not bringing such indi-
17 viduals before a military commission.

18 (2) Not later than 90 days after the date of the
19 enactment of this Act, a report setting forth all in-
20 terrogation techniques approved, as of the date of
21 the enactment of this Act, by officials of the United
22 States for use with detainees.

23 (d) RULES, REGULATIONS, AND GUIDELINES.—

24 (1) REQUIREMENT.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary and the Director shall prescribe the rules,
2 regulations, or guidelines necessary to ensure com-
3 pliance with the standards of the Detainee Treat-
4 ment Act of 2005 and Common Article 3 of the Ge-
5 neva Conventions by all personnel of the United
6 States Government and by any person providing
7 services to the United States Government on a con-
8 tract basis.

9 (2) REPORT TO CONGRESS.—The Secretary and
10 the Director shall submit to Congress the rules, reg-
11 ulations, or guidelines prescribed under paragraph
12 (1), and any modifications to such rules, regulations,
13 or guidelines—

14 (A) not later than 30 days after the effec-
15 tive date of such rules, regulations, guidelines,
16 or modifications; and

17 (B) in a manner and form that will protect
18 the national security interests of the United
19 States.

20 (e) REPORTS ON POSSIBLE VIOLATIONS.—

21 (1) REQUIREMENT.—The Secretary and the Di-
22 rector shall each submit, on a timely basis and not
23 less than twice each year, a report to Congress on
24 the circumstances surrounding, and a status report
25 on, any investigation of, or prosecution on account

1 of, a possible violation of the standards specified in
2 subsection (d)(1) by United States Government per-
3 sonnel or by a person providing services to the
4 United States Government on a contract basis.

5 (2) FORM OF REPORT.—A report required
6 under paragraph (1) shall be submitted in a manner
7 and form that—

8 (A) will protect the national security inter-
9 ests of the United States; and

10 (B) will not prejudice any prosecution of
11 an individual alleged to have violated the stand-
12 ards specified in subsection (d)(1).

13 (f) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means the Committee on Armed Services,
17 the Committee on the Judiciary, and the Committee
18 on Foreign Relations of the Senate and the Com-
19 mittee on Armed Services, the Committee on the Ju-
20 diciary, and the Committee on International Rela-
21 tions of the House of Representatives.

22 (2) CONVENTION AGAINST TORTURE.—The
23 term “Convention Against Torture” means the Con-
24 vention Against Torture and Other Cruel, Inhuman

1 or Degrading Treatment or Punishment, done at
2 New York December 10, 1984.

3 (3) DIRECTOR.—The term “Director” means
4 the Director of National Intelligence.

5 (4) GENEVA CONVENTIONS.—The term “Gene-
6 va Conventions” means—

7 (A) the Convention for the Amelioration of
8 the Condition of the Wounded and Sick in
9 Armed Forces in the Field, done at Geneva Au-
10 gust 12, 1949 (6 UST 3114);

11 (B) the Convention for the Amelioration of
12 the Condition of the Wounded, Sick, and Ship-
13 wrecked Members of Armed Forces at Sea,
14 done at Geneva August 12, 1949 (6 UST
15 3217);

16 (C) the Convention Relative to the Treat-
17 ment of Prisoners of War, done at Geneva Au-
18 gust 12, 1949 (6 UST 3316); and

19 (D) the Convention Relative to the Protec-
20 tion of Civilian Persons in Time of War, done
21 at Geneva August 12, 1949 (6 UST 3516).

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Defense.

1 (6) TORTURE.—The term “torture” has the
2 meaning given that term in section 2340 of title 18,
3 United States Code.

4 **SEC. 1224. NATIONAL COMMISSION TO REVIEW POLICY RE-**
5 **GARDING THE TREATMENT OF DETAINEES.**

6 (a) ESTABLISHMENT OF COMMISSION.—There is es-
7 tablished the National Commission To Review Policy Re-
8 garding the Treatment of Detainees.

9 (b) PURPOSES.—The purposes of the Commission are
10 as follows:

11 (1) To examine and report upon the role of pol-
12 icymakers in the interrogation and detention policies
13 related to the treatment of individuals detained dur-
14 ing Operation Iraqi Freedom or Operation Enduring
15 Freedom.

16 (2) To examine and report on the causes of the
17 alleged mistreatment of detainees by United States
18 personnel and the impact of such mistreatment on
19 the security of the Armed Forces of the United
20 States.

21 (3) To build upon the reviews of the policies of
22 the United States related to the treatment of indi-
23 viduals detained by the United States, including
24 such reviews conducted by the executive branch,
25 Congress, or other entities.

1 (c) COMPOSITION OF THE COMMISSION.—

2 (1) MEMBERS.—The Commission shall be com-
3 posed of 15 members, of whom—

4 (A) 3 members shall be appointed by the
5 majority leader of the Senate;

6 (B) 3 members shall be appointed by the
7 Speaker of the House of Representatives;

8 (C) 3 members shall be appointed by the
9 minority leader of the Senate;

10 (D) 3 members shall be appointed by the
11 minority leader of the House of Representa-
12 tives;

13 (E) 1 member shall be appointed by the
14 Judge Advocate General of the Army;

15 (F) 1 member shall be appointed by the
16 Judge Advocate General of the Navy; and

17 (G) 1 member shall be appointed by the
18 Judge Advocate General of the Air Force.

19 (2) CHAIRPERSON; VICE CHAIRPERSON.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), the Chairperson and Vice Chair-
22 person of the Commission shall be elected by
23 the members.

1 (B) POLITICAL PARTY AFFILIATION.—The
2 Chairperson and Vice Chairperson may not be
3 from the same political party.

4 (3) INITIAL MEETING.—Once 10 or more mem-
5 bers of the Commission have been appointed, those
6 members who have been appointed may meet and, if
7 necessary, select a temporary chairperson, who may
8 begin the operations of the Commission, including
9 the hiring of staff.

10 (4) QUORUM; VACANCIES.—After its initial
11 meeting, the Commission shall meet upon the call of
12 the Chairperson or a majority of its members. Eight
13 members of the Commission shall constitute a
14 quorum. Any vacancy in the Commission shall not
15 affect its powers, but shall be filled in the same
16 manner in which the original appointment was
17 made.

18 (5) SENSE OF CONGRESS ON QUALIFICATIONS
19 OF COMMISSION MEMBERS.—It is the sense of Con-
20 gress that individuals appointed to the Commission
21 should be prominent United States citizens, with na-
22 tional recognition and significant depth of experience
23 in the fields of intelligence, law enforcement, or for-
24 eign affairs, or experience serving the United States
25 Government, including service in the Armed Forces.

1 (d) FUNCTIONS OF THE COMMISSION.—The func-
2 tions of the Commission are—

3 (1) to conduct an investigation that—

4 (A) investigates the development and im-
5 plementation of policy relating to the treatment
6 of individuals detained during Operation Iraqi
7 Freedom or Operation Enduring Freedom;

8 (B) determines whether the United States
9 policy related to the treatment of detained indi-
10 viduals has adversely affected the security of
11 the members of the Armed Forces of the
12 United States;

13 (C) determines the causes and factors con-
14 tributing to the alleged abuse of detainees, and
15 whether and to what extent the incidences of
16 abuse of detained individuals has affected the
17 standing of the United States in the world;

18 (D) determines whether and to what extent
19 leaders of the United States Armed Forces were
20 given the opportunity to comment on and influ-
21 ence policy relating to treatment of detained in-
22 dividuals;

23 (E) assesses the responsibility of leaders
24 for policies and actions, or failures to act, that

1 may have contributed to the mistreatment of
2 detainees; and

3 (F) determines whether and to what extent
4 policy relating to the treatment of individuals
5 detained during Operation Iraqi Freedom or
6 Operation Enduring Freedom differed from the
7 policies and practices regarding detainees estab-
8 lished by the Armed Forces prior to such oper-
9 ations; and

10 (2) to submit to the President and Congress
11 such report as is required by this section containing
12 such findings, conclusions, and recommendations as
13 the Commission shall determine, including proposing
14 organization, coordination, planning, management
15 arrangements, procedures, rules, and regulations.

16 (e) POWERS OF THE COMMISSION.—

17 (1) IN GENERAL.—

18 (A) HEARINGS AND EVIDENCE.—The
19 Commission or, on the authority of the Com-
20 mission, any subcommittee or member thereof,
21 may, for the purpose of carrying out this sec-
22 tion—

23 (i) hold such hearings and sit and act
24 at such times and places, take such testi-

1 mony, receive such evidence, administer
2 such oaths; and

3 (ii) require, by subpoena or otherwise,
4 the attendance and testimony of such wit-
5 nesses and the production of such books,
6 records, correspondence, memoranda, ca-
7 bles, electronic messages, papers, and doc-
8 uments, as the Commission or such des-
9 ignated subcommittee or designated mem-
10 ber may determine advisable.

11 (B) SUBPOENAS.—

12 (i) ISSUANCE.—Subpoenas issued
13 under subparagraph (A)(ii) may be issued
14 under the signature of the Chairperson of
15 the Commission, the Vice Chairperson of
16 the Commission, the chairperson of any
17 subcommittee created by a majority of the
18 Commission, or any member designated by
19 a majority of the Commission, and may be
20 served by any person designated by the
21 Chairperson, subcommittee chairperson, or
22 member.

23 (ii) ENFORCEMENT.—

24 (I) IN GENERAL.—In the case of
25 contumacy or failure to obey a sub-

1 poena issued under subparagraph
2 (A)(ii), the United States district
3 court for the judicial district in which
4 the subpoenaed person resides, is
5 served, or may be found, or where the
6 subpoena is returnable, may issue an
7 order requiring such person to appear
8 at any designated place to testify or
9 to produce documentary or other evi-
10 dence. Any failure to obey the order of
11 the court may be punished by the
12 court as a contempt of that court.

13 (II) ADDITIONAL ENFORCE-
14 MENT.—In the case of any failure of
15 any witness to comply with any sub-
16 poena or to testify when summoned
17 under authority of this section, the
18 Commission may, by majority vote,
19 certify a statement of fact consti-
20 tuting such failure to the appropriate
21 United States attorney, who may
22 bring the matter before the grand
23 jury for its action, under the same
24 statutory authority and procedures as
25 if the United States attorney had re-

1 ceived a certification under sections
2 102 through 104 of the Revised Stat-
3 utes of the United States (2 U.S.C.
4 192 through 194).

5 (2) CLOSED MEETINGS.—

6 (A) IN GENERAL.—Meetings of the Com-
7 mission may be closed to the public under sec-
8 tion 10(d) of the Federal Advisory Committee
9 Act (5 U.S.C. App.) or other applicable law.

10 (B) ADDITIONAL AUTHORITY.—In addition
11 to the authority under subparagraph (A), sec-
12 tion 10(a)(1) and (3) of the Federal Advisory
13 Committee Act (5 U.S.C. App.) shall not apply
14 to any portion of a Commission meeting if the
15 President determines that such portion or por-
16 tions of that meeting is likely to disclose mat-
17 ters that could endanger national security. If
18 the President makes such determination, the re-
19 quirements relating to a determination under
20 section 10(d) of that Act shall apply.

21 (3) CONTRACTING.—The Commission may, to
22 such extent and in such amounts as are provided in
23 appropriation Acts, enter into contracts to enable
24 the Commission to discharge its duties under this
25 section.

1 (4) INFORMATION FROM FEDERAL AGENCIES.—

2 The Commission is authorized to secure directly
3 from any executive department, bureau, agency,
4 board, commission, office, independent establish-
5 ment, or instrumentality of the Government infor-
6 mation, suggestions, estimates, and statistics for the
7 purposes of this section. Each department, bureau,
8 agency, board, commission, office, independent es-
9 tablishment, or instrumentality shall, to the extent
10 authorized by law, furnish such information, sugges-
11 tions, estimates, and statistics directly to the Com-
12 mission, upon request made by the Chairperson, the
13 chairperson of any subcommittee created by a ma-
14 jority of the Commission, or any member designated
15 by a majority of the Commission.

16 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

17 (A) GENERAL SERVICES ADMINISTRA-
18 TION.—The Administrator of General Services
19 shall provide to the Commission on a reimburs-
20 able basis administrative support and other
21 services for the performance of the Commis-
22 sion's functions.

23 (B) OTHER DEPARTMENTS AND AGEN-
24 CIES.—In addition to the assistance prescribed
25 in subparagraph (A), departments and agencies

1 of the United States are authorized to provide
2 to the Commission such services, funds, facili-
3 ties, staff, and other support services as they
4 may determine advisable and as may be author-
5 ized by law.

6 (6) GIFTS.—The Commission may accept, use,
7 and dispose of gifts or donations of services or prop-
8 erty.

9 (7) POSTAL SERVICES.—The Commission may
10 use the United States mails in the same manner and
11 under the same conditions as departments and agen-
12 cies of the United States.

13 (f) STAFF OF THE COMMISSION.—

14 (1) APPOINTMENT AND COMPENSATION.—The
15 Chairperson and Vice Chairperson, in accordance
16 with rules agreed upon by the Commission, may ap-
17 point and fix the compensation of a staff director
18 and such other personnel as may be necessary to en-
19 able the Commission to carry out its functions, with-
20 out regard to the provisions of title 5, United States
21 Code, governing appointments in the competitive
22 service, and without regard to the provisions of
23 chapter 51 and subchapter III of chapter 53 of such
24 title relating to classification and General Schedule
25 pay rates, except that no rate of pay fixed under this

1 subsection may exceed the equivalent of that payable
2 for a position at level V of the Executive Schedule
3 under section 5316 of title 5, United States Code.

4 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

5 (A) IN GENERAL.—The executive director
6 and any personnel of the Commission who are
7 employees shall be employees under section
8 2105 of title 5, United States Code, for pur-
9 poses of chapters 63, 81, 83, 84, 85, 87, 89,
10 and 90 of that title.

11 (B) MEMBERS OF COMMISSION.—Subpara-
12 graph (A) shall not be construed to apply to a
13 member of the Commission.

14 (3) DETAILEES.—Any Federal Government em-
15 ployee may be detailed to the Commission without
16 reimbursement from the Commission, and such
17 detailee shall retain the rights, status, and privileges
18 of his or her regular employment without interrup-
19 tion.

20 (4) CONSULTANT SERVICES.—The Commission
21 is authorized to procure the services of experts and
22 consultants in accordance with section 3109 of title
23 5, United States Code, but at rates not to exceed the
24 daily rate paid a person occupying a position at level

1 IV of the Executive Schedule under section 5315 of
2 title 5, United States Code.

3 (g) COMPENSATION AND TRAVEL EXPENSES.—

4 (1) COMPENSATION.—Each member of the
5 Commission may be compensated at not to exceed
6 the daily equivalent of the annual rate of basic pay
7 in effect for a position at level IV of the Executive
8 Schedule under section 5315 of title 5, United
9 States Code, for each day during which that member
10 is engaged in the actual performance of the duties
11 of the Commission.

12 (2) TRAVEL EXPENSES.—While away from
13 their homes or regular places of business in the per-
14 formance of services for the Commission, members
15 of the Commission shall be allowed travel expenses,
16 including per diem in lieu of subsistence, in the
17 same manner as persons employed intermittently in
18 the Government service are allowed expenses under
19 section 5703(b) of title 5, United States Code.

20 (h) SECURITY CLEARANCES FOR COMMISSION MEM-
21 BERS AND STAFF.—The appropriate departments and
22 agencies of the Government shall cooperate with the Com-
23 mission in expeditiously providing to the Commission
24 members and staff appropriate security clearances in a
25 manner consistent with existing procedures and require-

1 ments, except that no person shall be provided with access
2 to classified information under this section who would not
3 otherwise qualify for such security clearance.

4 (i) REPORT OF THE COMMISSION.—Not later than 9
5 months after the date of the first meeting of the Commis-
6 sion, the Commission shall submit to the President and
7 Congress a report containing such findings, conclusions,
8 and recommendations as have been agreed to by a major-
9 ity of Commission members.

10 (j) TERMINATION.—

11 (1) TERMINATION.—The Commission, and all
12 the authorities of this section, shall terminate 60
13 days after the date on which the report is submitted
14 under subsection (i).

15 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
16 MINATION.—The Commission may use the 60-day
17 period referred to in paragraph (1) for the purpose
18 of concluding its activities, including providing testi-
19 mony to committees of Congress concerning its re-
20 ports and disseminating the second report.

21 (k) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Commission to
23 carry out this section \$5,000,000, to remain available
24 until expended.

1 **Subtitle D—Strategy for the United**
2 **States Relationship With Af-**
3 **ghanistan, Pakistan, and Saudi**
4 **Arabia**

5 **SEC. 1231. AFGHANISTAN.**

6 (a) AFGHANISTAN FREEDOM SUPPORT ACT OF
7 2002.—Section 108(a) the Afghanistan Freedom Support
8 Act of 2002 (22 U.S.C. 7518(a)) is amended by striking
9 “such sums as may be necessary for each of the fiscal
10 years 2005 and 2006” and inserting “\$2,400,000,000 for
11 fiscal year 2007 and such sums as may be necessary for
12 each of the fiscal years 2008 and 2009”.

13 (b) OTHER AUTHORIZATIONS OF APPROPRIATIONS
14 FOR FOREIGN RELATIONS ACTIVITIES.—

15 (1) FISCAL YEAR 2007.—There are authorized
16 to be appropriated to the President for providing as-
17 sistance for Afghanistan in a manner consistent with
18 the provisions of the Afghanistan Freedom Support
19 Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year
20 2007—

21 (A) for “International Military Education
22 and Training”, \$1,000,000 to carry out the
23 provisions of section 541 of the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2347);

1 (B) for “Foreign Military Financing Pro-
2 gram” grants, \$444,000,000 to carry out the
3 provisions of section 23 of the Arms Export
4 Control Act (22 U.S.C. 2763); and

5 (C) for “Peacekeeping Operations”,
6 \$30,000,000 to carry out the provisions of sec-
7 tion 551 of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2348).

9 (2) FISCAL YEARS 2008 AND 2009.—

10 (A) AUTHORIZATION OF APPROPRIA-
11 TION.—There are authorized to be appropriated
12 for each of the purposes described in subpara-
13 graphs (A) through (C) of paragraph (1) such
14 sums as may be necessary for each of the fiscal
15 years 2008 and 2009.

16 (B) SENSE OF CONGRESS.—It is the sense
17 of Congress that the amount appropriated for
18 each purpose described in subparagraphs (A)
19 through (C) of paragraph (1) for each of the
20 fiscal years 2008 and 2009 should be an
21 amount that is equal to 125 percent of the
22 amount appropriated for such purpose during
23 the preceding fiscal year.

24 (c) AUTHORIZATION OF APPROPRIATIONS FOR OPER-
25 ATION AND MAINTENANCE, DEFENSE-WIDE.—There are

1 authorized to be appropriated for fiscal year 2007 for the
2 use of the Armed Forces and other activities and agencies
3 of the Department of Defense for expenses, not otherwise
4 provided for, for operation and maintenance, for Defense-
5 wide activities, \$20,000,000 for support to provisional re-
6 construction teams in Afghanistan.

7 (d) OTHER FUNDS.—Amounts authorized to be ap-
8 propriated under this section are in addition to amounts
9 otherwise available for such purposes.

10 **SEC. 1232. PAKISTAN.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Since September 11, 2001, the Government
14 of Pakistan has been an important partner in help-
15 ing the United States remove the Taliban regime in
16 Afghanistan and combating international terrorism
17 in the frontier provinces of Pakistan.

18 (2) There remain a number of critical issues
19 that threaten to disrupt the relationship between the
20 United States and Pakistan, undermine inter-
21 national security, and destabilize Pakistan, includ-
22 ing—

23 (A) curbing the proliferation of nuclear
24 weapons technology;

25 (B) combating poverty and corruption;

1 (C) building effective government institu-
2 tions, especially secular public schools;

3 (D) promoting democracy and rule of law,
4 particularly at the national level; and

5 (E) effectively dealing with Islamic extre-
6 mism.

7 (b) POLICY.—It is the policy of the United States—

8 (1) to work with the Government of Pakistan to
9 combat international terrorism, especially in the
10 frontier provinces of Pakistan;

11 (2) to establish a long-term strategic partner-
12 ship with the Government of Pakistan to address the
13 issues described in subparagraphs (A) through (E)
14 of subsection (a)(2);

15 (3) to dramatically increase funding for United
16 States Agency for International Development and
17 Department of State programs that assist Pakistan
18 in addressing such issues, if the Government of
19 Pakistan demonstrates a commitment to building a
20 moderate, democratic state; and

21 (4) to work with the international community to
22 secure additional financial and political support to
23 effectively implement the policies set forth in this
24 subsection and help to resolve the dispute between

1 the Government of Pakistan and the Government of
2 India over the disputed territory of Kashmir.

3 (c) STRATEGY ON PAKISTAN.—

4 (1) REQUIREMENT FOR REPORT ON STRAT-
5 EGY.—Not later than 90 days after the date of the
6 enactment of this Act, the President shall submit to
7 the appropriate congressional committees a report,
8 in classified form if necessary, that describes the
9 long-term strategy of the United States to engage
10 with the Government of Pakistan to address the
11 issues described in subparagraphs (A) through (E)
12 of subsection (a)(2) in order accomplish the goal of
13 building a moderate, democratic Pakistan.

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this subsection the term “ap-
16 propriate congressional committees” means—

17 (A) the Committees on Appropriations,
18 Armed Services, and Foreign Relations of the
19 Senate; and

20 (B) the Committees on Appropriations,
21 Armed Services, and International Relations of
22 the House of Representatives.

23 (d) NUCLEAR PROLIFERATION.—

24 (1) SENSE OF CONGRESS.—It is the sense of
25 Congress that the national security interest of the

1 United States will best be served if the United
2 States develops and implements a long-term strategy
3 to improve the United States relationship with Paki-
4 stan and works with the Government of Pakistan to
5 stop nuclear proliferation.

6 (2) LIMITATION ON ASSISTANCE TO PAKI-
7 STAN.—None of the funds appropriated for a fiscal
8 year to provide military or economic assistance to
9 the Government of Pakistan may be made available
10 for such purpose unless the President submits to
11 Congress for such fiscal year a certification that no
12 military or economic assistance provided by the
13 United States to the Government of Pakistan will be
14 provided, either directly or indirectly, to a person
15 that is opposing or undermining the efforts of the
16 United States Government to halt the proliferation
17 of nuclear weapons.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated to the President for providing assist-
21 ance for Pakistan for fiscal year 2007—

22 (A) for “Development Assistance”,
23 \$50,000,000 to carry out the provisions of sec-
24 tion 103, 105, and 106 of the Foreign Assist-

1 ance Act of 1961 (22 U.S.C. 2151a, 2151c, and
2 2151d,);

3 (B) for the “Child Survival and Health
4 Programs Fund”, \$35,000,000 to carry out the
5 provisions of sections 104 of the Foreign Assist-
6 ance Act of 1961 (22 U.S.C. 2151b);

7 (C) for the “Economic Support Fund”,
8 \$350,000,000 to carry out the provisions of
9 chapter 4 of part II of the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2346 et seq.);

11 (D) for “International Narcotics and Law
12 Enforcement”, \$50,000,000 to carry out the
13 provisions of section 481 of the Foreign Assist-
14 ance Act of 1961 (22 U.S.C. 2291);

15 (E) for “Nonproliferation, Anti-Terrorism,
16 Demining, and Related Programs”,
17 \$10,000,000;

18 (F) for “International Military Education
19 and Training”, \$2,000,000 to carry out the
20 provisions of section 541 of the Foreign Assist-
21 ance Act of 1961 (22 U.S.C. 2347); and

22 (G) for “Foreign Military Financing Pro-
23 gram”, \$300,000,000 grants to carry of the
24 provision of section 23 of the Arms Export
25 Control Act (22 U.S.C. 2763).

1 (2) OTHER FUNDS.—Amounts authorized to be
2 appropriated under this section are in addition to
3 amounts otherwise available for such purposes.

4 **SEC. 1233. SAUDI ARABIA.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The Kingdom of Saudi Arabia has an un-
8 even record in the fight against terrorism, especially
9 with respect to terrorist financing, support for rad-
10 ical madrassas, and a lack of political outlets for its
11 citizens, that poses a threat to the security of the
12 United States, the international community, and the
13 Kingdom of Saudi Arabia itself.

14 (2) The United States has a national security
15 interest in working with the Government of Saudi
16 Arabia to combat international terrorists that oper-
17 ate within that nation or that operate outside Saudi
18 Arabia with the support of citizens of Saudi Arabia.

19 (3) In order to more effectively combat ter-
20 rorism, the Government of Saudi Arabia must un-
21 dertake a number of political and economic reforms,
22 including increasing anti-terrorism operations con-
23 ducted by law enforcement agencies, providing more
24 political rights to its citizens, increasing the rights
25 of women, engaging in comprehensive educational

1 reform, enhancing monitoring of charitable organiza-
2 tions, promulgating and enforcing domestic laws and
3 regulation on terrorist financing.

4 (b) POLICY.—It is the policy of the United States—

5 (1) to engage with the Government of Saudi
6 Arabia to openly confront the issue of terrorism, as
7 well as other problematic issues such as the lack of
8 political freedoms, with the goal of restructuring the
9 relationship on terms that leaders of both nations
10 can publicly support;

11 (2) to enhance counterterrorism cooperation
12 with the Government of Saudi Arabia, if the political
13 leaders of such Government are committed to mak-
14 ing a serious, sustained effort to combat terrorism;
15 and

16 (3) to support the efforts of the Government of
17 Saudi Arabia to make political, economic, and social
18 reforms throughout the country.

19 (c) STRATEGY ON SAUDI ARABIA.—

20 (1) REQUIREMENT FOR REPORT ON STRAT-
21 EGY.—Not later than 90 days after the date of the
22 enactment of this Act, the President shall submit to
23 the appropriate congressional committees a report,
24 in classified form if necessary, that describes the
25 long-term strategy of the United States—

1 (A) to engage with the Government of
2 Saudi Arabia to facilitate political, economic,
3 and social reforms that will enhance the ability
4 of the Government of Saudi Arabia to combat
5 international terrorism; and

6 (B) to effectively prevent the financing of
7 terrorists in Saudi Arabia.

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES DEFINED.—In this subsection the term “ap-
10 propriate congressional committees” means—

11 (A) the Committees on Appropriations,
12 Armed Services, and Foreign Relations of the
13 Senate; and

14 (B) the Committees on Appropriations,
15 Armed Services, and International Relations of
16 the House of Representatives.

1 **TITLE XIII—PROTECTION FROM**
2 **TERRORIST ATTACKS THAT**
3 **UTILIZE NUCLEAR, CHEM-**
4 **ICAL, BIOLOGICAL, AND RADI-**
5 **OLOGICAL WEAPONS**
6 **Subtitle A—Non-Proliferation**
7 **Programs**

8 **SEC. 1301. REPEAL OF LIMITATIONS TO THREAT REDUC-**
9 **TION ASSISTANCE.**

10 Section 5 of S. 2980 of the 108th Congress (the
11 Nunn-Lugar Cooperative Threat Reduction Act of 2004),
12 as introduced on November 16, 2004, is hereby enacted
13 into law.

14 **SEC. 1302. RUSSIAN TACTICAL NUCLEAR WEAPONS.**

15 (a) **REPORT REQUIRED.**—Not later than six months
16 after the date of the enactment of this Act, the President
17 shall submit to Congress a report setting forth the fol-
18 lowing:

19 (1) An assessment of the number, location, con-
20 dition, and security of Russian tactical nuclear
21 weapons.

22 (2) An assessment of the threat that would be
23 posed by the theft of Russian tactical nuclear weap-
24 ons.

1 (3) A plan for developing with Russia a cooper-
2 ative program to secure, consolidate, and, as appro-
3 priate, dismantle Russian tactical nuclear weapons.

4 (b) PROGRAM.—The Secretary of Defense and the
5 Secretary of Energy shall jointly work with Russia to es-
6 tablish a cooperative program, based on the report under
7 subsection (a), to secure, consolidate, and, as appropriate,
8 dismantle Russian tactical nuclear weapons in order to
9 achieve reductions in the total number of Russian tactical
10 nuclear weapons.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) DEPARTMENT OF DEFENSE.—There are au-
13 thorized to be appropriated for the Department of
14 Defense, \$25,000,000 to carry out this section.

15 (2) DEPARTMENT OF ENERGY.—There are au-
16 thorized to be appropriated for the Department of
17 Energy, \$25,000,000 to carry out this section.

18 **SEC. 1303. ADDITIONAL ASSISTANCE TO ACCELERATE NON-**

19 **PROLIFERATION PROGRAMS.**

20 (a) AUTHORIZATION OF APPROPRIATIONS FOR THE
21 DEPARTMENT OF DEFENSE.—There are authorized to be
22 appropriated to the Department of Defense \$105,000,000
23 for fiscal year 2007 for Cooperative Threat Reduction Ac-
24 tivities as follows:

1 (1) To accelerate security upgrades at nuclear
2 warhead storage sites located in Russia or another
3 country of the former Soviet Union, \$15,000,000.

4 (2) To accelerate biological weapons prolifera-
5 tion prevention programs in Kazakhstan, Georgia,
6 and Uzbekistan, \$15,000,000.

7 (3) To accelerate destruction of Libyan chem-
8 ical weapons, materials, and related equipment,
9 \$75,000,000.

10 (b) AUTHORIZATION OF APPROPRIATIONS FOR THE
11 DEPARTMENT OF ENERGY.—There are authorized to be
12 appropriated to the Department of Energy \$95,000,000
13 for fiscal year 2007 for nonproliferation activities of the
14 National Nuclear Security Administration as follows:

15 (1) To accelerate the Global Threat Reduction
16 Initiative, \$20,000,000.

17 (2) To accelerate security upgrades at nuclear
18 warhead storage sites located in Russia or in an-
19 other country, \$15,000,000.

20 (3) To accelerate the closure of the plutonium
21 producing reactor at Zheleznogorsk, Russia as part
22 of the program to eliminate weapons grade pluto-
23 nium production, \$25,000,000.

1 (4) To accelerate completion of comprehensive
2 security upgrades at Russian storage sites for weap-
3 ons-usable nuclear materials, \$15,000,000.

4 (c) AUTHORIZATION OF APPROPRIATIONS FOR THE
5 DEPARTMENT OF STATE.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated to the Department of State
8 \$25,000,000 for fiscal year 2007 for nonprolifera-
9 tion activities as follows:

10 (A) To accelerate engagement of former
11 chemical and biological weapons scientists in
12 Russia and the countries of the former Soviet
13 Union through the Bio-Chem Redirect Pro-
14 gram, \$15,000,000.

15 (B) To enhance efforts to combat bioter-
16 rorism by transforming the Soviet biological
17 weapons research and production facilities to
18 commercial enterprises through the BioIndustry
19 Initiative, \$10,000,000.

20 (2) AVAILABILITY OF FUNDS.—The amount au-
21 thorized to be appropriated by paragraph (1) shall
22 remain available until expended.

1 **SEC. 1304. ADDITIONAL ASSISTANCE TO THE INTER-**
2 **NATIONAL ATOMIC ENERGY AGENCY.**

3 There are authorized to be appropriated to the De-
4 partment of Energy \$20,000,000 to be used to provide
5 technical and other assistance to the International Atomic
6 Energy Agency to support nonproliferation programs.
7 Such amount is in addition to amounts otherwise available
8 for such purpose.

9 **Subtitle B—Border Protection**

10 **SEC. 1311. FINDINGS.**

11 Congress makes the following findings:

12 (1) More than 500,000,000 people cross the
13 borders of the United States at legal points of entry
14 each year, including approximately 330,000,000 peo-
15 ple who are not citizens of the United States.

16 (2) The National Commission on Terrorist At-
17 tacks Upon the United States found that 15 of the
18 19 hijackers involved in the September 11, 2001 ter-
19 rorist attacks “were potentially vulnerable to inter-
20 ception by border authorities”.

21 (3) Officials with the Bureau of Customs and
22 Border Protection and with the Bureau of Immigra-
23 tion and Customs Enforcement have stated that
24 there is a shortage of agents in such Bureaus. Due
25 to an inadequate budget, the Bureau of Immigration
26 and Customs Enforcement has effected a hiring

1 freeze since March 2004, and the Bureau has not
2 made public any plans to end this freeze.

3 **SEC. 1312. HIRING AND TRAINING OF BORDER SECURITY**
4 **PERSONNEL.**

5 (a) INSPECTORS AND AGENTS.—

6 (1) INCREASE IN INSPECTORS AND AGENTS.—

7 During each of fiscal years 2007 through 2010, the
8 Secretary of Homeland Security shall—

9 (A) increase the number of full-time agents
10 and associated support staff in the Bureau of
11 Immigration and Customs Enforcement of the
12 Department of Homeland Security by the equiv-
13 alent of at least 100 more than the number of
14 such employees in the Bureau as of the end of
15 the preceding fiscal year; and

16 (B) increase the number of full-time in-
17 spectors and associated support staff in the Bu-
18 reau of Customs and Border Protection by the
19 equivalent of at least 200 more than the num-
20 ber of such employees in the Bureau as of the
21 end of the preceding fiscal year.

22 (2) WAIVER OF FTE LIMITATION.—The Sec-
23 retary is authorized to waive any limitation on the
24 number of full-time equivalent personnel assigned to

1 the Department of Homeland Security to fulfill the
2 requirements of paragraph (1).

3 (b) TRAINING.—The Secretary shall provide appro-
4 priate training for agents, inspectors, and associated sup-
5 port staff on an ongoing basis to utilize new technologies
6 and to ensure that the proficiency levels of such personnel
7 are acceptable to protect the borders of the United States.

8 **Subtitle C—First Responders**

9 **SEC. 1321. FINDINGS.**

10 Congress makes the following findings:

11 (1) In a report entitled “Emergency First Re-
12 sponders: Drastically Underfunded, Dangerously
13 Unprepared”, an independent task force sponsored
14 by the Council on Foreign Relations found that
15 “America’s local emergency responders will always
16 be the first to confront a terrorist incident and will
17 play the central role in managing its immediate con-
18 sequences. Their efforts in the first minutes and
19 hours following an attack will be critical to saving
20 lives, establishing order, and preventing mass panic.
21 The United States has both a responsibility and a
22 critical need to provide them with the equipment,
23 training, and other resources necessary to do their
24 jobs safely and effectively.”.

1 (2) The task force further concluded that many
2 state and local emergency responders, including po-
3 lice officers and firefighters, lack the equipment and
4 training needed to respond effectively to a terrorist
5 attack involving weapons of mass destruction.

6 (3) The Federal Government has a responsi-
7 bility to ensure that the people of the United States
8 are protected to the greatest possible extent against
9 a terrorist attack, especially an attack that utilizes
10 nuclear, chemical, biological, or radiological weapons,
11 and consequently, the Federal Government has a
12 critical responsibility to address the equipment,
13 training, and other needs of State and local first re-
14 sponders.

15 **SEC. 1322. RESTORATION OF JUSTICE ASSISTANCE FUND-**
16 **ING.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) State and local police officers, firefighters,
20 and emergency responders play an essential role in
21 the efforts of the United States to prevent terrorist
22 attacks and, if an attack occurred, to address the ef-
23 fects of the attack.

24 (2) An independent task force has concluded
25 that hundreds of local police offices and firefighting

1 and emergency response units throughout the
2 United States are unprepared for responding to a
3 terrorist attack involving nuclear, chemical, biological,
4 cal, or radiological weapons.

5 (3) The Edward Byrne Memorial Justice As-
6 sistance Grant Program provides critical Federal
7 support for personnel, equipment, training, and
8 technical assistance for the homeland security re-
9 sponsibilities of local law enforcement offices.

10 (4) The Consolidated Appropriations Act, 2005
11 (Public Law 108–447) appropriated funding for the
12 Edward Byrne Memorial Justice Assistance Grant
13 Program, a program that resulted from the com-
14 bination of the Edward Byrne Memorial Grant Pro-
15 gram and the Local Law Enforcement Block Grant
16 Program.

17 (5) Funding for the Edward Byrne Memorial
18 Justice Assistance Grant Program, as provided in
19 the Consolidated Appropriations Act, 2005, has been
20 reduced by nearly 50 percent since fiscal year 2002.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that the President should request in the annual
23 budget proposal, and Congress should appropriate, the full
24 amount authorized to be appropriated in subsection (c).

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated for the Edward Byrne
 3 Memorial Justice Assistance Grant Program—

4 (1) for fiscal year 2007, \$1,250,000,000;

5 (2) for fiscal year 2008, \$1,400,000,000; and

6 (3) for fiscal year 2009, \$1,600,000,000.

7 **SEC. 1323. PROVIDING RELIABLE OFFICERS, TECHNOLOGY,**
 8 **EDUCATION, COMMUNITY PROSECUTORS,**
 9 **AND TRAINING IN OUR NEIGHBORHOOD INI-**
 10 **TIATIVE.**

11 (a) COPS PROGRAM.—Section 1701(a) of title I of
 12 the Omnibus Crime Control and Safe Streets Act of 1968
 13 (42 U.S.C. 3796dd(a)) is amended—

14 (1) by inserting “and prosecutor” after “in-
 15 crease police”; and

16 (2) by inserting “to enhance law enforcement
 17 access to new technologies, and” after “presence,”.

18 (b) HIRING AND REDEPLOYMENT GRANT
 19 PROJECTS.—Section 1701(b) of title I of the Omnibus
 20 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 21 3796dd(b)) is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (B)—

24 (i) by inserting after “Nation” the fol-
 25 lowing: “, or pay overtime to existing ca-

1 reer law enforcement officers to the extent
2 that such overtime is devoted to commu-
3 nity policing efforts”; and

4 (ii) by striking “and” at the end;

5 (B) in subparagraph (C)—

6 (i) by striking “or pay overtime”; and

7 (ii) by striking the period at the end
8 and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(D) promote higher education among in-
11 service State and local law enforcement officers
12 by reimbursing them for the costs associated
13 with seeking a college or graduate school edu-
14 cation.”; and

15 (2) in paragraph (2), by striking all that follows
16 “SUPPORT SYSTEMS.—” and inserting “Grants pur-
17 suant to—

18 “(A) paragraph (1)(B) for overtime may
19 not exceed 25 percent of the funds available for
20 grants pursuant to this subsection for any fiscal
21 year;

22 “(B) paragraph (1)(C) may not exceed 20
23 percent of the funds available for grants pursu-
24 ant to this subsection in any fiscal year; and

1 “(C) paragraph (1)(D) may not exceed 5
2 percent of the funds available for grants pursu-
3 ant to this subsection for any fiscal year.”.

4 (c) ADDITIONAL GRANT PROJECTS.—Section
5 1701(d) of title I of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

7 (1) in paragraph (2)—

8 (A) by inserting “integrity and ethics”
9 after “specialized”; and

10 (B) by inserting “and” after “enforcement
11 officers”;

12 (2) in paragraph (7), by inserting “school offi-
13 cials, religiously-affiliated organizations,” after “en-
14 forcement officers”;

15 (3) by striking paragraph (8) and inserting the
16 following:

17 “(8) establish school-based partnerships be-
18 tween local law enforcement agencies and local
19 school systems, by using school resource officers who
20 operate in and around elementary and secondary
21 schools to serve as a law enforcement liaison with
22 other Federal, State, and local law enforcement and
23 regulatory agencies, combat school-related crime and
24 disorder problems, gang membership and criminal
25 activity, firearms and explosives-related incidents, il-

1 legal use and possession of alcohol, and the illegal
2 possession, use, and distribution of drugs;”;

3 (4) in paragraph (10), by striking “and” at the
4 end;

5 (5) in paragraph (11), by striking the period
6 that appears at the end and inserting “; and”; and

7 (6) by adding at the end the following:

8 “(12) develop and implement innovative pro-
9 grams (such as the TRIAD program) that bring to-
10 gether a community’s sheriff, chief of police, and el-
11 derly residents to address the public safety concerns
12 of older citizens.”.

13 (d) TECHNICAL ASSISTANCE.—Section 1701(f) of
14 title I of the Omnibus Crime Control and Safe Streets Act
15 of 1968 (42 U.S.C. 3796dd(f)) is amended—

16 (1) in paragraph (1)—

17 (A) by inserting “use up to 5 percent of
18 the funds appropriated under subsection (a) to”
19 after “The Attorney General may”; and

20 (B) by inserting at the end the following:

21 “In addition, the Attorney General may use up
22 to 5 percent of the funds appropriated under
23 subsections (d), (e), and (f) for technical assist-
24 ance and training to States, units of local gov-
25 ernment, Indian tribal governments, and to

1 other public and private entities for those re-
2 spective purposes.”;

3 (2) in paragraph (2), by inserting “under sub-
4 section (a)” after “the Attorney General”; and

5 (3) in paragraph (3)—

6 (A) by striking “the Attorney General
7 may” and inserting “the Attorney General
8 shall”;

9 (B) by inserting “regional community po-
10 licing institutes” after “operation of”; and

11 (C) by inserting “representatives of police
12 labor and management organizations, commu-
13 nity residents,” after “supervisors,”.

14 (e) TECHNOLOGY AND PROSECUTION PROGRAMS.—
15 Section 1701 of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amend-
17 ed—

18 (1) by striking subsection (k);

19 (2) by redesignating subsections (f) through (j)
20 as subsections (g) through (k); and

21 (3) by striking subsection (e) and inserting the
22 following:

23 “(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—
24 Grants made under subsection (a) may be used to assist

1 police departments, in employing professional, scientific,
2 and technological advancements that will help them—

3 “(1) improve police communications through
4 the use of wireless communications, computers, soft-
5 ware, videocams, databases and other hardware and
6 software that allow law enforcement agencies to
7 communicate more effectively across jurisdictional
8 boundaries and effectuate interoperability;

9 “(2) develop and improve access to crime solv-
10 ing technologies, including DNA analysis, photo en-
11 hancement, voice recognition, and other forensic ca-
12 pabilities; and

13 “(3) promote comprehensive crime analysis by
14 utilizing new techniques and technologies, such as
15 crime mapping, that allow law enforcement agencies
16 to use real-time crime and arrest data and other re-
17 lated information—including non-criminal justice
18 data—to improve their ability to analyze, predict,
19 and respond pro-actively to local crime and disorder
20 problems, as well as to engage in regional crime
21 analysis.

22 “(f) COMMUNITY-BASED PROSECUTION PROGRAM.—
23 Grants made under subsection (a) may be used to assist
24 State, local or tribal prosecutors’ offices in the implemen-
25 tation of community-based prosecution programs that

1 build on local community policing efforts. Funds made
2 available under this subsection may be used to—

3 “(1) hire additional prosecutors who will be as-
4 signed to community prosecution programs, includ-
5 ing programs that assign prosecutors to handle cases
6 from specific geographic areas, to address specific
7 violent crime and other local crime problems (includ-
8 ing intensive illegal gang, gun and drug enforcement
9 projects and quality of life initiatives), and to ad-
10 dress localized violent and other crime problems
11 based on needs identified by local law enforcement
12 agencies, community organizations, and others;

13 “(2) redeploy existing prosecutors to community
14 prosecution programs as described in paragraph (1)
15 of this section by hiring victim and witness coordina-
16 tors, paralegals, community outreach, and other
17 such personnel; and

18 “(3) establish programs to assist local prosecu-
19 tors’ offices in the implementation of programs that
20 help them identify and respond to priority crime
21 problems in a community with specifically tailored
22 solutions.

23 At least 75 percent of the funds made available under this
24 subsection shall be reserved for grants under paragraphs
25 (1) and (2) and of those amounts no more than 10 percent

1 may be used for grants under paragraph (2) and at least
2 25 percent of the funds shall be reserved for grants under
3 paragraphs (1) and (2) to units of local government with
4 a population of less than 50,000.”.

5 (f) RETENTION GRANTS.—Section 1703 of title I of
6 the Omnibus Crime Control and Safe Streets Act of 1968
7 (42 U.S.C. 3796dd–2) is amended by adding at the end
8 the following:

9 “(d) RETENTION GRANTS.—The Attorney General
10 may use no more than 50 percent of the funds under sub-
11 section (a) to award grants targeted specifically for reten-
12 tion of police officers to grantees in good standing, with
13 preference to those that demonstrate financial hardship or
14 severe budget constraint that impacts the entire local
15 budget and may result in the termination of employment
16 for police officers funded under subsection (b)(1).”.

17 (g) DEFINITIONS.—

18 (1) CAREER LAW ENFORCEMENT OFFICER.—
19 Section 1709(1) of title I of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (42 U.S.C.
21 3796dd–8) is amended by inserting after “criminal
22 laws” the following: “including sheriffs deputies
23 charged with supervising offenders who are released
24 into the community but also engaged in local com-
25 munity policing efforts.”.

1 (2) SCHOOL RESOURCE OFFICER.—Section
2 1709(4) of title I of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is
4 amended—

5 (A) by striking subparagraph (A) and in-
6 serting the following:

7 “(A) to serve as a law enforcement liaison
8 with other Federal, State, and local law en-
9 forcement and regulatory agencies, to address
10 and document crime and disorder problems in-
11 cluding gangs and drug activities, firearms and
12 explosives-related incidents, and the illegal use
13 and possession of alcohol affecting or occurring
14 in or around an elementary or secondary
15 school;”;

16 (B) by striking subparagraph (E) and in-
17 serting the following:

18 “(E) to train students in conflict resolu-
19 tion, restorative justice, and crime awareness,
20 and to provide assistance to and coordinate
21 with other officers, mental health professionals,
22 and youth counselors who are responsible for
23 the implementation of prevention/intervention
24 programs within the schools;”;

25 (C) by adding at the end the following:

1 “(H) to work with school administrators,
2 members of the local parent teacher associa-
3 tions, community organizers, law enforcement,
4 fire departments, and emergency medical per-
5 sonnel in the creation, review, and implementa-
6 tion of a school violence prevention plan;

7 “(I) to assist in documenting the full de-
8 scription of all firearms found or taken into
9 custody on school property and to initiate a
10 firearms trace and ballistics examination for
11 each firearm with the local office of the Bureau
12 of Alcohol, Tobacco, and Firearms;

13 “(J) to document the full description of all
14 explosives or explosive devices found or taken
15 into custody on school property and report to
16 the local office of the Bureau of Alcohol, To-
17 bacco, and Firearms; and

18 “(K) to assist school administrators with
19 the preparation of the Department of Edu-
20 cation, Annual Report on State Implementation
21 of the Gun-Free Schools Act which tracks the
22 number of students expelled per year for bring-
23 ing a weapon, firearm, or explosive to school.”.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
25 1001(a)(11) of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is
2 amended—

3 (1) by amending subparagraph (A) to read as
4 follows:

5 “(A) There are authorized to be appro-
6 priated to carry out part Q, to remain available
7 until expended—

8 “(i) \$1,150,000,000 for fiscal year
9 2007;

10 “(ii) \$1,150,000,000 for fiscal year
11 2008;

12 “(iii) \$1,150,000,000 for fiscal year
13 2009;

14 “(iv) \$1,150,000,000 for fiscal year
15 2010;

16 “(v) \$1,150,000,000 for fiscal year
17 2011; and

18 “(vi) \$1,150,000,000 for fiscal year
19 2012.”; and

20 (2) in subparagraph (B)—

21 (A) by striking “3 percent” and inserting
22 “5 percent”;

23 (B) by striking “1701(f)” and inserting
24 “1701(g)”;

1 (C) by striking the second sentence and in-
2 serting “Of the remaining funds, if there is a
3 demand for 50 percent of appropriated hiring
4 funds, as determined by eligible hiring applica-
5 tions from law enforcement agencies having ju-
6 risdiction over areas with populations exceeding
7 150,000, no less than 50 percent shall be allo-
8 cated for grants pursuant to applications sub-
9 mitted by units of local government or law en-
10 forcement agencies having jurisdiction over
11 areas with populations exceeding 150,000 or by
12 public and private entities that serve areas with
13 populations exceeding 150,000, and no less
14 than 50 percent shall be allocated for grants
15 pursuant to applications submitted by units of
16 local government or law enforcement agencies
17 having jurisdiction over areas with populations
18 less than 150,000 or by public and private enti-
19 ties that serve areas with populations less than
20 150,000.”;

21 (D) by striking “85 percent” and inserting
22 “\$600,000,000”; and

23 (E) by striking “1701(b),” and all that fol-
24 lows through “of part Q” and inserting the fol-
25 lowing: “1701 (b) and (c), \$350,000,000 to

1 grants for the purposes specified in section
2 1701(e), and \$200,000,000 to grants for the
3 purposes specified in section 1701(f).”.

4 **TITLE XIV—PROTECTING** 5 **TAXPAYERS**

6 **SEC. 1401. REPORTS ON METRICS FOR MEASURING SUC-** 7 **CESS IN GLOBAL WAR ON TERRORISM.**

8 (a) REQUIREMENT FOR REPORTS.—The Comptroller
9 General of the United States shall submit to Congress re-
10 ports on the metrics for use in tracking and measuring
11 acts of global terrorism, international counterterrorism ef-
12 forts, and the success of United States counterterrorism
13 policies and practices including specific, replicable defini-
14 tions, criteria, and standards of measurement to be used
15 for the following:

16 (1) Counting and categorizing acts of inter-
17 national terrorism.

18 (2) Monitoring counterterrorism efforts of for-
19 eign governments.

20 (3) Monitoring financial support provided to
21 terrorist groups.

22 (4) Assessing the success of United States
23 counterterrorism policies and practices.

24 (b) SCHEDULE OF REPORTS.—The Comptroller Gen-
25 eral shall submit to Congress an initial report under sub-

1 section (a) not later than 1 year after the date of the en-
2 actment of this Act and a second report not later than
3 1 year after the date on which the initial report is sub-
4 mitted.

5 **SEC. 1402. PROHIBITION ON PROFITEERING.**

6 (a) PROHIBITION.—

7 (1) IN GENERAL.—Chapter 47 of title 18,
8 United States Code, is amended by adding at the
9 end the following:

10 **“§ 1039. War profiteering and fraud relating to mili-**
11 **tary action, relief, and reconstruction ef-**
12 **forts**

13 “(a) PROHIBITION.—

14 “(1) IN GENERAL.—Whoever, in any matter in-
15 volving a contract or the provision of goods or serv-
16 ices, directly or indirectly, in connection with a war,
17 military action, or relief or reconstruction activities
18 within the jurisdiction of the United States Govern-
19 ment, knowingly and willfully—

20 “(A)(i) executes or attempts to execute a
21 scheme or artifice to defraud the United States;

22 or

23 “(ii) materially overvalues any good or
24 service with the specific intent to defraud and

1 excessively profit from the war, military action,
2 or relief or reconstruction activities;
3 shall be fined under paragraph (2), imprisoned not
4 more than 20 years, or both; or

5 “(B)(i) falsifies, conceals, or covers up by
6 any trick, scheme, or device a material fact;

7 “(ii) makes any materially false, fictitious,
8 or fraudulent statements or representations; or

9 “(iii) makes or uses any materially false
10 writing or document knowing the same to con-
11 tain any materially false, fictitious or fraudu-
12 lent statement or entry;

13 shall be fined under paragraph (2) imprisoned not
14 more than 10 years, or both.

15 “(2) FINE.—A person convicted of an offense
16 under paragraph (1) may be fined the greater of—

17 “(A) \$1,000,000; or

18 “(B) if such person derives profits or other
19 proceeds from the offense, not more than twice
20 the gross profits or other proceeds.

21 “(b) EXTRATERRITORIAL JURISDICTION.—There is
22 extraterritorial Federal jurisdiction over an offense under
23 this section.

24 “(c) VENUE.—A prosecution for an offense under
25 this section may be brought—

1 “(1) as authorized by chapter 211 of this title;

2 “(2) in any district where any act in further-
3 ance of the offense took place; or

4 “(3) in any district where any party to the con-
5 tract or provider of goods or services is located.”.

6 (2) TABLE OF SECTIONS.—The table of sections
7 for chapter 47 of title 18, United States Code, is
8 amended by adding at the end the following:

“1039. War profiteering and fraud relating to military action, relief, and recon-
struction efforts.”.

9 (b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of
10 title 18, United States Code, is amended by inserting
11 “1039,” after “1032,”.

12 (c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B)
13 of title 18, United States Code, is amended by striking
14 “or 1030” and inserting “1030, or 1039”.

15 (d) RICO.—Section 1956(c)(7)(D) of title 18, United
16 States Code, is amended by inserting the following: “, sec-
17 tion 1039 (relating to war profiteering and fraud relating
18 to military action, relief, and reconstruction efforts)” after
19 “liquidating agent of financial institution),”.

1 **TITLE XV—OTHER MATTERS**

2 **SEC. 1501. SENSE OF CONGRESS ON MILITARY COMMIS-**
3 **SIONS FOR THE TRIAL OF PERSONS DE-**
4 **TAINED IN THE GLOBAL WAR ON TERRORISM.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The Constitution of the United States
8 grants to Congress the power “To define and punish
9 . . . Offenses against the Law of Nations”, as well
10 as the power “To declare War . . . To raise and sup-
11 port Armies . . . [and] To provide and maintain a
12 Navy.”.

13 (2) On November 13, 2001, the President
14 issued a military order establishing military commis-
15 sions to try individuals detained in the global war on
16 terrorism.

17 (3) On June 29, 2006, the Supreme Court held
18 in *Hamdan v. Rumsfeld* (126 S. Ct. 2749 (2006))
19 that—

20 (A) the authority to establish military com-
21 missions “can derive only from the powers
22 granted jointly to the President and Congress
23 in time of war”;

24 (B) the military commission established by
25 the President to try Hamdan “lacks the power

1 to proceed” because the procedures governing
2 the commission departed impermissibly from
3 the procedures governing courts martial and the
4 requirements of Common Article 3 of the Gene-
5 va Conventions; and

6 (C) procedures governing military commis-
7 sions may depart from the procedures gov-
8 erning courts martial “only if some practical
9 need explains deviations from court-martial
10 practice”.

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

13 (1) aliens detained by the United States who
14 are alleged to have violated the law of war should be
15 tried for their offenses;

16 (2) it is in the national interest for Congress to
17 exercise its authority under the Constitution to enact
18 legislation authorizing and regulating the use of
19 military commissions to try and punish offenders
20 against the law of war;

21 (3) procedures established by Congress for the
22 use of military commissions should be consistent
23 with the decision of the Supreme Court in *Hamdan*
24 *v. Rumsfeld*;

1 (4) in drafting legislation for the use of military
2 commissions, the Committees on Armed Services of
3 the Senate and the House of Representatives should
4 take into account the views of professional military
5 lawyers who have experience in prosecuting, defend-
6 ing, and judging cases under chapter 47 of title 10,
7 United States Code (the Uniform Code of Military
8 Justice);

9 (5) the Committee on Armed Services of the
10 Senate is drafting a bipartisan proposal on military
11 commissions that reflects the views of senior military
12 lawyers, and this process must be allowed to move
13 forward; and

14 (6) as the Judge Advocate General of the Navy
15 explained in testimony before the Committee on
16 Armed Services of the Senate on July 13, 2006,
17 “[w]e need to think in terms of the long view, and
18 to always put our own sailors, soldiers, Marines, and
19 airmen in the place of an accused when we’re draft-
20 ing these rules to ensure that these rules are accept-
21 able when we have someone in a future war who
22 faces similar rules”.

1 **DIVISION C—INTELLIGENCE**
2 **AUTHORIZATIONS**

3 **SEC. 2001. SHORT TITLE.**

4 This division may be cited as the “Intelligence Au-
5 thORIZATION Act for Fiscal Year 2007”.

6 **TITLE XXI—INTELLIGENCE**
7 **ACTIVITIES**

8 **SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2007 for the conduct of the intelligence and
11 intelligence-related activities of the following elements of
12 the United States Government:

13 (1) The Office of the Director of National Intel-
14 lligence.

15 (2) The Central Intelligence Agency.

16 (3) The Department of Defense.

17 (4) The Defense Intelligence Agency.

18 (5) The National Security Agency.

19 (6) The Department of the Army, the Depart-
20 ment of the Navy, and the Department of the Air
21 Force.

22 (7) The Department of State.

23 (8) The Department of the Treasury.

24 (9) The Department of Energy.

25 (10) The Department of Justice.

1 (11) The Federal Bureau of Investigation.

2 (12) The National Reconnaissance Office.

3 (13) The National Geospatial-Intelligence Agen-
4 cy.

5 (14) The Coast Guard.

6 (15) The Department of Homeland Security.

7 (16) The Drug Enforcement Administration.

8 **SEC. 2102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

9 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
10 CEILINGS.—The amounts authorized to be appropriated
11 under section 2101, and the authorized personnel ceilings
12 as of September 30, 2007, for the conduct of the intel-
13 ligence and intelligence-related activities of the elements
14 listed in such section, are those specified in the classified
15 Schedule of Authorizations prepared to accompany the
16 conference report on the bill _____ of the One Hun-
17 dred Ninth Congress and in the Classified Annex to such
18 report as incorporated in this division under section 2103.

19 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
20 THORIZATIONS.—The Schedule of Authorizations shall be
21 made available to the Committees on Appropriations of
22 the Senate and House of Representatives and to the Presi-
23 dent. The President shall provide for suitable distribution
24 of the Schedule, or of appropriate portions of the Sched-
25 ule, within the executive branch.

1 SEC. 2103. INCORPORATION OF CLASSIFIED ANNEX.

2 (a) STATUS OF CLASSIFIED ANNEX.—The Classified
3 Annex prepared by the Select Committee on Intelligence
4 of the Senate to accompany its report on the bill S. _____
5 of the One Hundred Ninth Congress and transmitted to
6 the President is hereby incorporated into this division.

7 (b) CONSTRUCTION WITH OTHER PROVISIONS OF
8 DIVISION.—Unless otherwise specifically stated, the
9 amounts specified in the Classified Annex are not in addi-
10 tion to amounts authorized to be appropriated by other
11 provisions of this division.

12 (c) LIMITATION ON USE OF FUNDS.—Funds appro-
13 priated pursuant to an authorization contained in this di-
14 vision that are made available for a program, project, or
15 activity referred to in the Classified Annex may only be
16 expended for such program, project, or activity in accord-
17 ance with such terms, conditions, limitations, restrictions,
18 and requirements as are set out for that program, project,
19 or activity in the Classified Annex.

20 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The
21 President shall provide for appropriate distribution of the
22 Classified Annex, or of appropriate portions of the annex,
23 within the executive branch of the Government.

24 SEC. 2104. PERSONNEL CEILING ADJUSTMENTS.

25 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
26 proval of the Director of the Office of Management and

1 Budget, the Director of National Intelligence may author-
2 ize employment of civilian personnel in excess of the num-
3 ber authorized for fiscal year 2007 under section 2102
4 when the Director of National Intelligence determines that
5 such action is necessary to the performance of important
6 intelligence functions, except that the number of personnel
7 employed in excess of the number authorized under such
8 section may not, for any element of the intelligence com-
9 munity, exceed 2 percent of the number of civilian per-
10 sonnel authorized under such section for such element.

11 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
12 Director of National Intelligence shall promptly notify the
13 Select Committee on Intelligence of the Senate and the
14 Permanent Select Committee on Intelligence of the House
15 of Representatives whenever the Director exercises the au-
16 thority granted by this section.

17 **SEC. 2105. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
18 **COUNT.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated for the Intelligence Commu-
21 nity Management Account of the Director of National In-
22 telligence for fiscal year 2007 the sum of \$648,952,000.
23 Within such amount, funds identified in the classified
24 Schedule of Authorizations referred to in section 2102(a)

1 for advanced research and development shall remain avail-
2 able until September 30, 2008.

3 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
4 ments within the Intelligence Community Management
5 Account of the Director of National Intelligence are au-
6 thorized 1,575 full-time personnel as of September 30,
7 2007. Personnel serving in such elements may be perma-
8 nent employees of the Intelligence Community Manage-
9 ment Account or personnel detailed from other elements
10 of the United States Government.

11 (c) CLASSIFIED AUTHORIZATIONS.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—In
13 addition to amounts authorized to be appropriated
14 for the Intelligence Community Management Ac-
15 count by subsection (a), there are also authorized to
16 be appropriated for the Intelligence Community
17 Management Account for fiscal year 2007 such addi-
18 tional amounts as are specified in the classified
19 Schedule of Authorizations referred to in section
20 2102(a). Such additional amounts for research and
21 development shall remain available until September
22 30, 2008.

23 (2) AUTHORIZATION OF PERSONNEL.—In addi-
24 tion to the personnel authorized by subsection (b)
25 for elements of the Intelligence Community Manage-

1 ment Account as of September 30, 2007, there are
2 also authorized such additional personnel for such
3 elements as of that date as are specified in the clas-
4 sified Schedule of Authorizations.

5 (d) REIMBURSEMENT.—Except as provided in section
6 113 of the National Security Act of 1947 (50 U.S.C.
7 404h), during fiscal year 2007 any officer or employee of
8 the United States or a member of the Armed Forces who
9 is detailed to the staff of the Intelligence Community Man-
10 agement Account from another element of the United
11 States Government shall be detailed on a reimbursable
12 basis, except that any such officer, employee, or member
13 may be detailed on a nonreimbursable basis for a period
14 of less than one year for the performance of temporary
15 functions as required by the Director of National Intel-
16 ligence.

17 **SEC. 2106. INCORPORATION OF REPORTING REQUIRE-**
18 **MENTS.**

19 (a) IN GENERAL.—Each requirement to submit a re-
20 port to the congressional intelligence committees that is
21 included in the joint explanatory statement to accompany
22 the conference report on the bill _____ of the One
23 Hundred Ninth Congress, or in the classified annex to this
24 division, is hereby incorporated into this division, and is
25 hereby made a requirement in law.

1 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES
2 DEFINED.—In this section, the term “congressional intel-
3 ligence committees” means—

4 (1) the Select Committee on Intelligence of the
5 Senate; and

6 (2) the Permanent Select Committee on Intel-
7 ligence of the House of Representatives.

8 **SEC. 2107. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**
9 **LIGENCE FUNDING INFORMATION.**

10 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—
11 The President shall disclose to the public for each fiscal
12 year after fiscal year 2007 the aggregate amount of appro-
13 priations requested in the budget of the President for such
14 fiscal year for the National Intelligence Program.

15 (b) AMOUNTS AUTHORIZED AND APPROPRIATED
16 EACH FISCAL YEAR.—Congress shall disclose to the pub-
17 lic for each fiscal year after fiscal year 2006 the aggregate
18 amount of funds authorized to be appropriated, and the
19 aggregate amount of funds appropriated, by Congress for
20 such fiscal year for the National Intelligence Program.

21 (c) STUDY ON DISCLOSURE OF ADDITIONAL INFOR-
22 MATION.—

23 (1) IN GENERAL.—The Director of National In-
24 telligence shall conduct a study to assess the advis-
25 ability of disclosing to the public amounts as follows:

1 (A) The aggregate amount of appropria-
2 tions requested in the budget of the President
3 for each fiscal year for each element of the in-
4 telligence community.

5 (B) The aggregate amount of funds au-
6 thorized to be appropriated, and the aggregate
7 amount of funds appropriated, by Congress for
8 each fiscal year for each element of the intel-
9 ligence community.

10 (2) REQUIREMENTS.—The study required by
11 paragraph (1) shall—

12 (A) address whether or not the disclosure
13 to the public of the information referred to in
14 that paragraph would harm the national secu-
15 rity of the United States; and

16 (B) take into specific account concerns re-
17 lating to the disclosure of such information for
18 each element of the intelligence community.

19 (3) REPORT.—Not later than 180 days after
20 the date of the enactment of this Act, the Director
21 shall submit to Congress a report on the study re-
22 quired by paragraph (1).

1 **SEC. 2108. RESPONSE OF INTELLIGENCE COMMUNITY TO**
2 **REQUESTS FROM CONGRESS FOR INTEL-**
3 **LIGENCE DOCUMENTS AND INFORMATION.**

4 (a) IN GENERAL.—Title V of the National Security
5 Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding
6 at the end the following new section:

7 “RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS
8 FROM CONGRESS FOR INTELLIGENCE DOCUMENTS
9 AND INFORMATION

10 “SEC. 508. (a) REQUESTS OF COMMITTEES.—The
11 Director of National Intelligence, the Director of the Na-
12 tional Counterterrorism Center, the Director of a national
13 intelligence center, or the head of any other department,
14 agency, or element of the Federal Government, or other
15 organization within the Executive branch, that is an ele-
16 ment of the intelligence community shall, not later than
17 15 days after receiving a request for any intelligence as-
18 sessment, report, estimate, legal opinion, or other intel-
19 ligence information from the Select Committee on Intel-
20 ligence of the Senate, the Permanent Select Committee on
21 Intelligence of the House of Representatives, or any other
22 committee of Congress with jurisdiction over the subject
23 matter to which information in such assessment, report,
24 estimate, legal opinion, or other information relates, make
25 available to such committee such assessment, report, esti-

1 mate, legal opinion, or other information, as the case may
2 be.

3 “(b) REQUESTS OF CERTAIN MEMBERS.—(1) The
4 Director of National Intelligence, the Director of the Na-
5 tional Counterterrorism Center, the Director of a national
6 intelligence center, or the head of any other department,
7 agency, or element of the Federal Government, or other
8 organization within the Executive branch, that is an ele-
9 ment of the intelligence community shall respond, in the
10 time specified in subsection (a), to a request described in
11 that subsection from the Chairman or Vice Chairman of
12 the Select Committee on Intelligence of the Senate or the
13 Chairman or Ranking Member of the Permanent Select
14 Committee on Intelligence of the House of Representa-
15 tives.

16 “(2) Upon making a request covered by paragraph
17 (1)—

18 “(A) the Chairman or Vice Chairman, as the
19 case may be, of the Select Committee on Intelligence
20 of the Senate shall notify the other of the Chairman
21 or Vice Chairman of such request; and

22 “(B) the Chairman or Ranking Member, as the
23 case may be, of the Permanent Select Committee on
24 Intelligence of the House of Representatives shall

1 notify the other of the Chairman or Ranking Mem-
2 ber of such request.

3 “(c) ASSERTION OF PRIVILEGE.—In response to a re-
4 quest covered by subsection (a) or (b), the Director of Na-
5 tional Intelligence, the Director of the National
6 Counterterrorism Center, the Director of a national intel-
7 ligence center, or the head of any other department, agen-
8 cy, or element of the Federal Government, or other organi-
9 zation within the Executive branch, that is an element of
10 the intelligence community shall provide the document or
11 information covered by such request unless the President
12 certifies that such document or information is not being
13 provided because the President is asserting a privilege
14 pursuant to the Constitution of the United States.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in the first section of that Act is amended by inserting
17 after the item relating to section 507 the following new
18 item:

“Sec. 508. Response of intelligence community to requests from Congress for
intelligence documents and information.”.

1 **TITLE XXII—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2007 the sum of \$256,400,000.

9 **TITLE XXIII—INTELLIGENCE**
10 **AND GENERAL INTEL-**
11 **LIGENCE COMMUNITY MAT-**
12 **TERS**

13 **SEC. 2301. INCREASE IN EMPLOYEE COMPENSATION AND**
14 **BENEFITS AUTHORIZED BY LAW.**

15 Appropriations authorized by this division for salary,
16 pay, retirement, and other benefits for Federal employees
17 may be increased by such additional or supplemental
18 amounts as may be necessary for increases in such com-
19 pensation or benefits authorized by law.

20 **SEC. 2302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
21 **ACTIVITIES.**

22 The authorization of appropriations by this division
23 shall not be deemed to constitute authority for the conduct
24 of any intelligence activity which is not otherwise author-
25 ized by the Constitution or the laws of the United States.

1 **SEC. 2303. CLARIFICATION OF DEFINITION OF INTEL-**
2 **LIGENCE COMMUNITY UNDER THE NATIONAL**
3 **SECURITY ACT OF 1947.**

4 Subparagraph (L) of section 3(4) of the National Se-
5 curity Act of 1947 (50 U.S.C. 401a(4)) is amended by
6 striking “other” the second place it appears.

7 **SEC. 2304. IMPROVEMENT OF NOTIFICATION OF CONGRESS**
8 **REGARDING INTELLIGENCE ACTIVITIES OF**
9 **THE UNITED STATES GOVERNMENT.**

10 (a) CLARIFICATION OF DEFINITION OF CONGRES-
11 SIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL
12 MEMBERS OF COMMITTEES.—Section 3(7) of the Na-
13 tional Security Act of 1947 (50 U.S.C. 401a(7)) is amend-
14 ed—

15 (1) in subparagraph (A), by inserting “, and in-
16 cludes each member of the Select Committee” before
17 the semicolon; and

18 (2) in subparagraph (B), by inserting “, and in-
19 cludes each member of the Permanent Select Com-
20 mittee” before the period.

21 (b) NOTICE ON INFORMATION NOT DISCLOSED.—

22 (1) IN GENERAL.—Section 502 of such Act (50
23 U.S.C. 413a) is amended—

24 (A) by redesignating subsections (b) and
25 (c) as subsections (e) and (d), respectively; and

1 (B) by inserting after subsection (a) the
2 following new subsection (b):

3 “(b) NOTICE ON INFORMATION NOT DISCLOSED.—

4 (1) If the Director of National Intelligence or the head
5 of a department, agency, or other entity of the United
6 States Government does not provide information required
7 by subsection (a) in full or to all the members of the con-
8 gressional intelligence committees and requests that such
9 information not be provided in full or to all members of
10 the congressional intelligence committees, the Director
11 shall, in a timely fashion—

12 “(A) notify all the members of such committees
13 of the determination not to provide such information
14 in full or to all members of such committees, as the
15 case may be, including a statement of the reasons
16 for such determination; and

17 “(B) submit, in writing, to all the members of
18 such committees a summary of the intelligence ac-
19 tivities covered by such determination that provides
20 sufficient information to permit such members to as-
21 sess the legality, benefits, costs, and advisability of
22 such activities.

23 “(2) Nothing in this subsection shall be construed as
24 authorizing less than full and current disclosure to all the
25 members of the Select Committee on Intelligence of the

1 Senate and the Permanent Select Committee on Intel-
2 ligence of the House of Representatives of any information
3 necessary to keep all the members of such committees fully
4 and currently informed on all intelligence activities cov-
5 ered by this section.”.

6 (2) CONFORMING AMENDMENT.—Subsection (d)
7 of such section, as redesignated by paragraph (1)(A)
8 of this subsection, is amended by striking “sub-
9 section (b)” and inserting “subsections (b) and (c)”.

10 (c) REPORTS AND NOTICE ON COVERT ACTIONS.—

11 (1) FORM AND CONTENT OF CERTAIN RE-
12 PORTS.—Subsection (b) of section 503 of such Act
13 (50 U.S.C. 413b) is amended—

14 (A) by redesignating paragraphs (1) and

15 (2) as subparagraphs (A) and (B), respectively;

16 (B) by inserting “(1)” after “(b)”; and

17 (C) by adding at the end the following new

18 paragraph:

19 “(2) Any report relating to a covert action that is

20 submitted to the congressional intelligence committees for

21 the purposes of paragraph (1) shall be in writing, and

22 shall contain the following:

23 “(A) A concise statement of any facts pertinent

24 to such report.

1 “(B) An explanation of the significance of the
2 covert action covered by such report.”.

3 (2) NOTICE ON INFORMATION NOT DIS-
4 CLOSED.—Subsection (c) of such section is amended
5 by adding at the end the following new paragraph:

6 “(5) If the Director of National Intelligence or the
7 head of a department, agency, or other entity of the
8 United States Government does not provide information
9 required by subsection (b)(2) in full or to all the members
10 of the congressional intelligence committees, and requests
11 that such information not be provided in full or to all
12 members of the congressional intelligence committees, for
13 the reason specified in paragraph (2), the Director shall,
14 in a timely fashion—

15 “(A) notify all the members of such committees
16 of the determination not to provide such information
17 in full or to all members of such committees, as the
18 case may be, including a statement of the reasons
19 for such determination; and

20 “(B) submit, in writing, to all the members of
21 such committees a summary of the covert action cov-
22 ered by such determination that provides sufficient
23 information to permit such members to assess the
24 legality, benefits, costs, and advisability of such cov-
25 ert action.”.

1 (3) MODIFICATION OF NATURE OF CHANGE OF
2 COVERT ACTION TRIGGERING NOTICE REQUIRE-
3 MENTS.—Subsection (d) of such section is amended
4 by striking “significant” the first place it appears.

5 **SEC. 2305. DELEGATION OF AUTHORITY FOR TRAVEL ON**
6 **COMMON CARRIERS FOR INTELLIGENCE**
7 **COLLECTION PERSONNEL.**

8 (a) DELEGATION OF AUTHORITY.—Section 116(b) of
9 the National Security Act of 1947 (50 U.S.C. 404k(b))
10 is amended—

11 (1) by inserting “(1)” before “The Director”;

12 (2) in paragraph (1), by striking “may only dele-
13 gate” and all that follows and inserting “may dele-
14 gate the authority in subsection (a) to the head of
15 any other element of the intelligence community.”;
16 and

17 (3) by adding at the end the following new
18 paragraph:

19 “(2) The head of an element of the intelligence com-
20 munity to whom the authority in subsection (a) is dele-
21 gated pursuant to paragraph (1) may further delegate
22 such authority to such senior officials of such element as
23 are specified in guidelines prescribed by the Director of
24 National Intelligence for purposes of this paragraph.”.

1 (b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not
2 later than six months after the date of the enactment of
3 this Act, the Director of National Intelligence shall pre-
4 scribe and submit to the congressional intelligence com-
5 mittees the guidelines referred to in paragraph (2) of sec-
6 tion 116(b) of the National Security Act of 1947, as added
7 by subsection (a).

8 (c) CONGRESSIONAL INTELLIGENCE COMMITTEES
9 DEFINED.—In this section, the term “congressional intel-
10 ligence committees” means—

11 (1) the Select Committee on Intelligence of the
12 Senate; and

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

15 **SEC. 2306. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
16 **DIFFERENT INTELLIGENCE ACTIVITIES.**

17 Subparagraph (B) of section 504(a)(3) of the Na-
18 tional Security Act of 1947 (50 U.S.C. 414(a)(3)) is
19 amended to read as follows:

20 “(B) the use of such funds for such activity
21 supports an emergent need, improves program effec-
22 tiveness, or increases efficiency; and”.

1 **SEC. 2307. ADDITIONAL LIMITATION ON AVAILABILITY OF**
2 **FUNDS FOR INTELLIGENCE AND INTEL-**
3 **LIGENCE-RELATED ACTIVITIES.**

4 Section 504 of the National Security Act of 1947 (50
5 U.S.C. 414) is amended—

6 (1) in subsection (a), by inserting “the congress-
7 sional intelligence committees have been fully and
8 currently informed of such activity and if” after
9 “only if”;

10 (2) by redesignating subsections (b), (c), (d),
11 and (e) as subsections (c), (d), (e), and (f), respec-
12 tively; and

13 (3) by inserting after subsection (a) the fol-
14 lowing new subsection (b):

15 “(b) In any case in which notice to the congressional
16 intelligence committees on an intelligence or intelligence-
17 related activity is covered by section 502(b), or in which
18 notice to the congressional intelligence committees on a
19 covert action is covered by section 503(c)(5), the congress-
20 sional intelligence committees shall be treated as being
21 fully and currently informed on such activity or covert ac-
22 tion, as the case may be, for purposes of subsection (a)
23 if the requirements of such section 502(b) or 503(c)(5),
24 as applicable, have been met.”.

1 **SEC. 2308. INCREASE IN PENALTIES FOR DISCLOSURE OF**
2 **UNDERCOVER INTELLIGENCE OFFICERS AND**
3 **AGENTS.**

4 (a) DISCLOSURE OF AGENT AFTER ACCESS TO IN-
5 FORMATION IDENTIFYING AGENT.—Subsection (a) of sec-
6 tion 601 of the National Security Act of 1947 (50 U.S.C.
7 421) is amended by striking “ten years” and inserting “15
8 years”.

9 (b) DISCLOSURE OF AGENT AFTER ACCESS TO CLAS-
10 SIFIED INFORMATION.—Subsection (b) of such section is
11 amended by striking “five years” and inserting “ten
12 years”.

13 **SEC. 2309. RETENTION AND USE OF AMOUNTS PAID AS**
14 **DEBTS TO ELEMENTS OF THE INTELLIGENCE**
15 **COMMUNITY.**

16 (a) IN GENERAL.—Title XI of the National Security
17 Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding
18 at the end the following new section:

19 “RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO
20 ELEMENTS OF THE INTELLIGENCE COMMUNITY

21 “SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS
22 PAID.—Notwithstanding section 3302 of title 31, United
23 States Code, or any other provision of law, the head of
24 an element of the intelligence community may retain
25 amounts paid or reimbursed to the United States, includ-
26 ing amounts paid by an employee of the Federal Govern-

1 ment from personal funds, for repayment of a debt owed
2 to the element of the intelligence community.

3 “(b) CREDITING OF AMOUNTS RETAINED.—(1)
4 Amounts retained under subsection (a) shall be credited
5 to the current appropriation or account from which such
6 funds were derived or whose expenditure formed the basis
7 for the underlying activity from which the debt concerned
8 arose.

9 “(2) Amounts credited to an appropriation or account
10 under paragraph (1) shall be merged with amounts in
11 such appropriation or account, and shall be available in
12 accordance with subsection (c).

13 “(c) AVAILABILITY OF AMOUNTS.—Amounts credited
14 to an appropriation or account under subsection (b) with
15 respect to a debt owed to an element of the intelligence
16 community shall be available to the head of such element,
17 for such time as is applicable to amounts in such appro-
18 priation or account, or such longer time as may be pro-
19 vided by law, for purposes as follows:

20 “(1) In the case of a debt arising from lost or
21 damaged property of such element, the repair of
22 such property or the replacement of such property
23 with alternative property that will perform the same
24 or similar functions as such property.

1 “(2) The funding of any other activities author-
2 ized to be funded by such appropriation or account.

3 “(d) DEBT OWED TO AN ELEMENT OF THE INTEL-
4 LIGENCE COMMUNITY DEFINED.—In this section, the
5 term ‘debt owed to an element of the intelligence commu-
6 nity’ means any of the following:

7 “(1) A debt owed to an element of the intel-
8 ligence community by an employee or former em-
9 ployee of such element for the negligent or willful
10 loss of or damage to property of such element that
11 was procured by such element using appropriated
12 funds.

13 “(2) A debt owed to an element of the intel-
14 ligence community by an employee or former em-
15 ployee of such element as repayment for default on
16 the terms and conditions associated with a scholar-
17 ship, fellowship, or other educational assistance pro-
18 vided to such individual by such element, whether in
19 exchange for future services or otherwise, using ap-
20 propriated funds.

21 “(3) Any other debt or repayment owed to an
22 element of the intelligence community by a private
23 person or entity by reason of the negligent or willful
24 action of such person or entity, as determined by a

1 court of competent jurisdiction or in a lawful admin-
2 istrative proceeding.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in the first section of that Act is amended by adding at
5 the end the following new item:

“Sec. 1103. Retention and use of amounts paid as debts to elements of the in-
telligence community.”.

6 **SEC. 2310. PILOT PROGRAM ON DISCLOSURE OF RECORDS**
7 **UNDER THE PRIVACY ACT RELATING TO CER-**
8 **TAIN INTELLIGENCE ACTIVITIES.**

9 (a) IN GENERAL.—Subsection (b) of section 552a of
10 title 5, United States Code, is amended—

11 (1) in paragraph (11), by striking “or” at the
12 end;

13 (2) in paragraph (12), by striking the period
14 and inserting “; or”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(13) to an element of the intelligence commu-
18 nity set forth in or designated under section 3(4) of
19 the National Security Act of 1947 (50 U.S.C.
20 401a(4))—

21 “(A) by another element of the intelligence
22 community that maintains the record, if the
23 record is relevant to a lawful and authorized
24 foreign intelligence or counterintelligence activ-

1 ity conducted by the receiving element of the in-
2 telligence community and pertains to an identi-
3 fiable individual or, upon the authorization of
4 the Director of National Intelligence (or a des-
5 ignee of the Director in a position not lower
6 than Deputy Director of National Intelligence),
7 other than an identifiable individual; or

8 “(B) by any other agency that maintains
9 the record, if—

10 “(i) the head of the element of the in-
11 telligence community makes a written re-
12 quest to that agency specifying the par-
13 ticular portion of the record that is rel-
14 evant to a lawful and authorized activity of
15 the element of the intelligence community
16 to protect against international terrorism
17 or the proliferation of weapons of mass de-
18 struction; or

19 “(ii) the head of that agency deter-
20 mines that—

21 “(I) the record, or particular por-
22 tion thereof, constitutes terrorism in-
23 formation (as that term is defined in
24 section 1016(a)(4) of the National Se-
25 curity Intelligence Reform Act of

1 2004 (title I of Public Law 108–458))
2 or information concerning the pro-
3 liferation of weapons of mass destruc-
4 tion; and

5 “(II) the disclosure of the record,
6 or particular portion thereof, will be
7 to an element of the intelligence com-
8 munity authorized to collect and ana-
9 lyze foreign intelligence or counter-
10 intelligence information related to
11 international terrorism or the pro-
12 liferation of weapons of mass destruc-
13 tion.”.

14 (b) EXEMPTION FROM CERTAIN PRIVACY ACT RE-
15 QUIREMENTS FOR RECORD ACCESS AND ACCOUNTING
16 FOR DISCLOSURES.—Elements of the intelligence commu-
17 nity set forth in or designated under section 3(4) of the
18 National Security Act of 1947 (50 U.S.C. 401a(4)) receiv-
19 ing a disclosure under subsection (b)(13) of section 552a
20 of title 5, United States Code, shall not be required to
21 comply with subsection (c)(3), (c)(4), or (d) of such sec-
22 tion 552a with respect to such disclosure, or the records,
23 or portions thereof, disclosed under subsection (b)(13) of
24 such section 552a.

1 (c) CONSULTATION ON DETERMINATIONS OF INFOR-
2 MATION TYPE.—Such section is further amended by add-
3 ing at the end the following new subsection:

4 “(w) AUTHORITY TO CONSULT ON DETERMINATIONS
5 OF INFORMATION TYPE.—When determining for purposes
6 of subsection (b)(13)(B)(ii) whether a record constitutes
7 terrorism information (as that term is defined in section
8 1016(a)(4)) of the National Security Intelligence Reform
9 Act of 2004 (title I of Public Law 108–458; 118 Stat.
10 3665)) or information concerning the proliferation of
11 weapons of mass destruction, the head of an agency may
12 consult with the Director of National Intelligence or the
13 Attorney General.”.

14 (d) CONSTRUCTION.—Nothing in the amendments
15 made by this section shall be deemed to constitute author-
16 ity for the receipt, collection, or retention of information
17 unless the receipt, collection, or retention of such informa-
18 tion by the element of the intelligence community con-
19 cerned is otherwise authorized by the Constitution, laws,
20 or Executive orders of the United States.

21 (e) RECORDKEEPING REQUIREMENTS.—

22 (1) RETENTION OF REQUESTS.—Any request
23 made by the head of an element of the intelligence
24 community to another department or agency of the
25 Federal Government under paragraph (13)(B)(i) of

1 section 552a(b) of title 5, United States Code (as
2 added by subsection (a)), shall be retained by such
3 element of the intelligence community in a manner
4 consistent with the protection of intelligence sources
5 and methods. Any request so retained should be ac-
6 companied by an explanation that supports the as-
7 sertion of the element of the intelligence community
8 requesting the record that the information was, at
9 the time of request, relevant to a lawful and author-
10 ized activity to protect against international ter-
11 rorism or the proliferation of weapons of mass de-
12 struction.

13 (2) ACCESS TO RETAINED REQUESTS.—An ele-
14 ment of the intelligence community retaining a re-
15 quest, and any accompanying explanation, under
16 paragraph (1) shall, consistent with the protection of
17 intelligence sources and methods, provide access to
18 such request, and any accompanying explanation, to
19 the following:

20 (A) The head of the department or agency
21 of the Federal Government receiving such re-
22 quest, or the designee of the head of such de-
23 partment or agency, if—

24 (i) the access of such official to such
25 request, and any accompanying expla-

1 nation, is consistent with the protection of
2 intelligence sources and methods;

3 (ii) such official is appropriately
4 cleared for access to such request, and any
5 accompanying explanation; and

6 (iii) the access of such official to such
7 request, and any accompanying expla-
8 nation, is necessary for the performance of
9 the duties of such official.

10 (B) The Select Committee on Intelligence
11 of the Senate or the Permanent Select Com-
12 mittee on Intelligence of the House of Rep-
13 resentatives.

14 (C) The Inspector General of any element
15 of the intelligence community having jurisdic-
16 tion over the matter.

17 (f) REPORTS.—

18 (1) ANNUAL REPORTS.—Not later than one
19 year after the date of the enactment of this Act, and
20 annually thereafter through the termination of this
21 section and the amendments made by this section
22 under subsection (j), the Director of National Intel-
23 ligence and the Attorney General, in coordination
24 with the Privacy and Civil Liberties Oversight
25 Board, shall jointly submit to the appropriate com-

1 mittees of Congress a report on the administration
2 of this section and the amendments made by this
3 section.

4 (2) FINAL REPORT.—Not later than six months
5 before the date specified in subsection (j), the Direc-
6 tor of National Intelligence and the Attorney Gen-
7 eral, in coordination with the Privacy and Civil Lib-
8 erties Oversight Board, shall jointly submit to the
9 appropriate committees of Congress a report on ad-
10 ministration of this section and the amendments
11 made by this section. The report shall include the
12 recommendations of the Director and the Attorney
13 General, as they consider appropriate, regarding the
14 continuation in effect of such amendments after
15 such date.

16 (3) REVIEW AND REPORT BY PRIVACY AND
17 CIVIL LIBERTIES OVERSIGHT BOARD.—Not later
18 than six months before the date specified in sub-
19 section (j), the Privacy and Civil Liberties Oversight
20 Board shall—

21 (A) review the administration of the
22 amendments made by this section; and

23 (B) in a manner consistent with section
24 1061(c)(1) of the National Security Intelligence
25 Reform Act of 2004 (title I of Public Law 108–

1 458; 118 Stat. 3684; 5 U.S.C. 601 note), sub-
2 mit to the appropriate committees of Congress
3 a report providing such advice and counsel on
4 the administration of this section and the
5 amendments made by this section as the Board
6 considers appropriate.

7 (4) FORM OF REPORTS.—Each report under
8 this subsection shall, to the maximum extent prac-
9 ticable, be submitted in unclassified form. Any clas-
10 sified annex included with such a report shall be
11 submitted to the Select Committee on Intelligence of
12 the Senate and the Permanent Select Committee on
13 Intelligence of the House of Representatives.

14 (g) GUIDELINES.—

15 (1) IN GENERAL.—Not later than six months
16 after the date of the enactment of this Act, the At-
17 torney General and the Director of National Intel-
18 ligence shall, in consultation with the Secretary of
19 Defense and other appropriate officials, jointly pre-
20 scribe guidelines governing the implementation and
21 exercise of the authorities provided in this section
22 and the amendments made by this section.

23 (2) ELEMENTS.—The guidelines prescribed
24 under paragraph (1) shall—

1 (A) ensure that the authorities provided
2 under paragraph (13) of section 552a(b) of title
3 5, United States Code (as added by subsection
4 (a)), are implemented in a manner that protects
5 the rights under the Constitution of United
6 States persons;

7 (B) direct that all applicable policies and
8 procedures governing the receipt, collection, re-
9 tention, analysis, and dissemination of foreign
10 intelligence information concerning United
11 States persons are appropriately followed; and

12 (C) provide that the authorities provided
13 under paragraph (13) of section 552a(b) of title
14 5, United States Code (as so added), are imple-
15 mented in a manner consistent with existing
16 laws, regulations, and Executive orders gov-
17 erning the conduct of intelligence activities.

18 (3) FORM.—The guidelines prescribed under
19 paragraph (1) shall be unclassified, to the maximum
20 extent practicable, but may include a classified
21 annex.

22 (4) SUBMITTAL TO CONGRESS.—The guidelines
23 prescribed under paragraph (1) shall be submitted
24 to the appropriate committees of Congress. Any clas-
25 sified annex included with such guidelines shall be

1 submitted to the Select Committee on Intelligence of
2 the Senate and the Permanent Select Committee on
3 Intelligence of the House of Representatives.

4 (h) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), this section and the amendments made by
7 this section shall take effect on the date of the
8 issuance of the guidelines required by subsection (g).

9 (2) CERTAIN REQUIREMENTS.—Subsections (f)
10 and (g) shall take effect on the date of the enact-
11 ment of this Act.

12 (i) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Homeland Security and
16 Governmental Affairs and the Select Committee on
17 Intelligence of the Senate; and

18 (2) the Committee on Government Reform and
19 the Permanent Select Committee on Intelligence of
20 the House of Representatives.

21 (j) TERMINATION.—This section and the amend-
22 ments made by this section shall cease to have effect on
23 the date that is three years after the date of the issuance
24 of the guidelines required by subsection (g).

1 **SEC. 2311. EXTENSION TO INTELLIGENCE COMMUNITY OF**
2 **AUTHORITY TO DELETE INFORMATION**
3 **ABOUT RECEIPT AND DISPOSITION OF FOR-**
4 **EIGN GIFTS AND DECORATIONS.**

5 Paragraph (4) of section 7342(f) of title 5, United
6 States Code, is amended to read as follows:

7 “(4)(A) In transmitting such listings for an element
8 of the intelligence community, the head of such element
9 may delete the information described in subparagraphs
10 (A) and (C) of paragraphs (2) and (3) if the head of such
11 element certifies in writing to the Secretary of State that
12 the publication of such information could adversely affect
13 United States intelligence sources or methods.

14 “(B) Any information not provided to the Secretary
15 of State pursuant to the authority in subparagraph (A)
16 shall be transmitted to the Director of National Intel-
17 ligence.

18 “(C) In this paragraph, the term ‘element of the in-
19 telligence community’ means an element of the intelligence
20 community listed in or designated under section 3(4) of
21 the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

22 **SEC. 2312. AVAILABILITY OF FUNDS FOR TRAVEL AND**
23 **TRANSPORTATION OF PERSONAL EFFECTS,**
24 **HOUSEHOLD GOODS, AND AUTOMOBILES.**

25 (a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL
26 INTELLIGENCE.—Funds appropriated to the Office of the

1 Director of National Intelligence and available for travel
2 and transportation expenses shall be available for such ex-
3 penses when any part of the travel or transportation con-
4 cerned begins in a fiscal year pursuant to travel orders
5 issued in such fiscal year, notwithstanding that such travel
6 or transportation is or may not be completed during such
7 fiscal year.

8 (b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—
9 Funds appropriated to the Central Intelligence Agency
10 and available for travel and transportation expenses shall
11 be available for such expenses when any part of the travel
12 or transportation concerned begins in a fiscal year pursu-
13 ant to travel orders issued in such fiscal year, notwith-
14 standing that such travel or transportation is or may not
15 be completed during such fiscal year.

16 (c) TRAVEL AND TRANSPORTATION EXPENSES DE-
17 FINED.—In this section, the term “travel and transpor-
18 tation expenses” means the following:

19 (1) Expenses in connection with travel of per-
20 sonnel, including travel of dependents.

21 (2) Expenses in connection with transportation
22 of personal effects, household goods, or automobiles
23 of personnel.

1 **SEC. 2313. DIRECTOR OF NATIONAL INTELLIGENCE RE-**
2 **PORT ON COMPLIANCE WITH THE DETAINEE**
3 **TREATMENT ACT OF 2005.**

4 (a) **REPORT REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, the Director
6 of National Intelligence shall submit to the congressional
7 intelligence committees a comprehensive report on all
8 measures taken by the Office of the Director of National
9 Intelligence and by each element, if any, of the intelligence
10 community with relevant responsibilities to comply with
11 the provisions of the Detainee Treatment Act of 2005
12 (title X of division A of Public Law 109–148).

13 (b) **ELEMENTS.**—The report required by subsection
14 (a) shall include the following:

15 (1) A description of the detention or interroga-
16 tion methods, if any, that have been determined to
17 comply with section 1003 of the Detainee Treatment
18 Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd),
19 and, with respect to each such method—

20 (A) an identification of the official making
21 such determination; and

22 (B) a statement of the basis for such de-
23 termination.

24 (2) A description of the detention or interroga-
25 tion methods, if any, whose use has been discon-

1 tinued pursuant to the Detainee Treatment Act of
2 2005, and, with respect to each such method—

3 (A) an identification of the official making
4 the determination to discontinue such method;
5 and

6 (B) a statement of the basis for such de-
7 termination.

8 (3) A description of any actions that have been
9 taken to implement section 1004 of the Detainee
10 Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.
11 2000dd-1), and, with respect to each such action—

12 (A) an identification of the official taking
13 such action; and

14 (B) a statement of the basis for such ac-
15 tion.

16 (4) Any other matters that the Director con-
17 siders necessary to fully and currently inform the
18 congressional intelligence committees about the im-
19 plementation of the Detainee Treatment Act of
20 2005.

21 (5) An appendix containing—

22 (A) all guidelines for the application of the
23 Detainee Treatment Act of 2005 to the deten-
24 tion or interrogation activities, if any, of any
25 element of the intelligence community; and

1 (B) all legal opinions of any office or offi-
2 cial of the Department of Justice about the
3 meaning or application of Detainee Treatment
4 Act of 2005 with respect to the detention or in-
5 terrogation activities, if any, of any element of
6 the intelligence community.

7 (c) FORM.—The report required by subsection (a)
8 shall be submitted in classified form.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “congressional intelligence com-
11 mittees” means—

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

14 (B) the Permanent Select Committee of
15 the House of Representatives.

16 (2) The term “intelligence community” means
17 the elements of the intelligence community specified
18 in or designated under section 3(4) of the National
19 Security Act of 1947 (50 U.S.C. 401a(4)).

20 **SEC. 2314. REPORT ON ALLEGED CLANDESTINE DETEN-**
21 **TION FACILITIES FOR INDIVIDUALS CAP-**
22 **TURED IN THE GLOBAL WAR ON TERRORISM.**

23 (a) IN GENERAL.—The President shall ensure that
24 the United States Government continues to comply with
25 the authorization, reporting, and notification requirements

1 of title V of the National Security Act of 1947 (50 U.S.C.
2 413 et seq.).

3 (b) DIRECTOR OF NATIONAL INTELLIGENCE RE-
4 PORT.—

5 (1) REPORT REQUIRED.—Not later than 60
6 days after the date of the enactment of this Act, the
7 Director of National Intelligence shall provide to the
8 members of the Select Committee on Intelligence of
9 the Senate and the Permanent Select Committee on
10 Intelligence of the House of Representatives a de-
11 tailed report setting forth the nature and cost of,
12 and otherwise providing a full accounting on, any
13 clandestine prison or detention facility currently or
14 formerly operated by the United States Government,
15 regardless of location, where detainees in the global
16 war on terrorism are or were being held.

17 (2) ELEMENTS.—The report required by para-
18 graph (1) shall set forth, for each prison or facility,
19 if any, covered by such report, the following:

20 (A) The location and size of such prison or
21 facility.

22 (B) If such prison or facility is no longer
23 being operated by the United States Govern-
24 ment, the disposition of such prison or facility.

1 (C) The number of detainees currently
2 held or formerly held, as the case may be, at
3 such prison or facility.

4 (D) Any plans for the ultimate disposition
5 of any detainees currently held at such prison
6 or facility.

7 (E) A description of the interrogation pro-
8 cedures used or formerly used on detainees at
9 such prison or facility and a determination, in
10 coordination with other appropriate officials, on
11 whether such procedures are or were in compli-
12 ance with United States obligations under the
13 Geneva Conventions and the Convention
14 Against Torture.

15 (3) FORM OF REPORT.—The report required by
16 paragraph (1) shall be submitted in classified form.

17 **SEC. 2315. SENSE OF CONGRESS ON ELECTRONIC SURVEIL-**
18 **LANCE.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) United States government authorities
22 should have the legal authority to engage in elec-
23 tronic surveillance of any telephone conversation in
24 which one party is reasonably believed to be a mem-
25 ber or agent of a terrorist organization.

1 (2) Absent emergency or other appropriate cir-
2 cumstances, domestic electronic surveillance should
3 be subject to judicial review in order to protect the
4 privacy of law abiding Americans with no ties to ter-
5 rorism.

6 (3) The Foreign Intelligence Surveillance Act of
7 1978 (FISA) authorizes the President to obtain a
8 warrant for the electronic surveillance of any tele-
9 phone conversation in which one party is reasonably
10 believed to be a member or agent of a terrorist orga-
11 nization. That Act also establishes procedures for
12 engaging in electronic surveillance without a warrant
13 on a temporary basis when emergency circumstances
14 make obtaining a warrant impractical.

15 (4) During the quarter century since the enact-
16 ment of the Foreign Intelligence Surveillance Act of
17 1978, the Foreign Intelligence Surveillance Court
18 has issued a warrant for electronic surveillance in
19 response to all but 5 of the approximately 19,000
20 applications for such a warrant.

21 (5) Congress has amended the Foreign Intel-
22 ligence Surveillance Act of 1978 numerous times, in-
23 cluding six times since September 11, 2001, to
24 streamline the procedures for obtaining a warrant
25 from the Foreign Intelligence Surveillance Court.

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

3 (1) the Select Committee on Intelligence of the
4 Senate and the Permanent Select Committee on In-
5 telligence of the House of Representatives must be
6 fully briefed on the history, operation, and useful-
7 ness of the warrantless wiretapping program carried
8 out by the National Security Agency;

9 (2) Congress should modify the Foreign Intel-
10 ligence Surveillance Act of 1978 as needed to ensure
11 that the government may engage in electronic sur-
12 veillance of telephone conversations in which one
13 party is reasonably believed to be a member or agent
14 of a terrorist organization;

15 (3) the requirement that the government must,
16 absent emergency or other appropriate cir-
17 cumstances, obtain a judicial warrant prior to en-
18 gaging in electronic surveillance of a United States
19 person should remain in place to protect the privacy
20 of law abiding Americans with no ties to terrorism;
21 and

22 (4) the President is not above the law and must
23 abide by congressionally-enacted procedures for en-
24 gaging in electronic surveillance.

1 **TITLE XXIV—MATTERS RELAT-**
2 **ING TO ELEMENTS OF THE IN-**
3 **TELLIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director**
5 **of National Intelligence**

6 **SEC. 2401. ADDITIONAL AUTHORITIES OF THE DIRECTOR**
7 **OF NATIONAL INTELLIGENCE ON INTEL-**
8 **LIGENCE INFORMATION SHARING.**

9 Section 102A(g)(1) of the National Security Act of
10 1947 (50 U.S.C. 403–1(g)(1)) is amended—

11 (1) in subparagraph (E), by striking “and” at
12 the end;

13 (2) in subparagraph (F), by striking the period
14 and inserting a semicolon; and

15 (3) by adding at the end the following the fol-
16 lowing new subparagraphs:

17 “(G) in carrying out this subsection, have the
18 authority—

19 “(i) to direct the development, deployment,
20 and utilization of systems of common concern
21 for elements of the intelligence community, or
22 that support the activities of such elements, re-
23 lated to the collection, processing, analysis, ex-
24 ploitation, and dissemination of intelligence in-
25 formation; and

1 “(ii) without regard to any provision of law
2 relating to the transfer, reprogramming, obliga-
3 tion, or expenditure of funds, other than the
4 provisions of this Act and the National Security
5 Intelligence Reform Act of 2004 (title I of Pub-
6 lic Law 108–458), to expend funds for purposes
7 associated with the development, deployment,
8 and utilization of such systems, which funds
9 may be received and utilized by any depart-
10 ment, agency, or other element of the United
11 States Government for such purposes; and

12 “(H) for purposes of addressing critical gaps in
13 intelligence information sharing or access capabili-
14 ties, have the authority to transfer funds appro-
15 priated for a program within the National Intel-
16 ligence Program to a program funded by appropria-
17 tions not within the National Intelligence Program,
18 consistent with paragraphs (3) through (7) of sub-
19 section (d).”.

20 **SEC. 2402. MODIFICATION OF LIMITATION ON DELEGATION**
21 **BY THE DIRECTOR OF NATIONAL INTEL-**
22 **LIGENCE OF THE PROTECTION OF INTEL-**
23 **LIGENCE SOURCES AND METHODS.**

24 Section 102A(i)(3) of the National Security Act of
25 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-

1 fore the period the following: “, any Deputy Director of
2 National Intelligence, or the Chief Information Officer of
3 the Intelligence Community”.

4 **SEC. 2403. AUTHORITY OF THE DIRECTOR OF NATIONAL IN-**
5 **TELLIGENCE TO MANAGE ACCESS TO HUMAN**
6 **INTELLIGENCE INFORMATION.**

7 Section 102A(b) of the National Security Act of 1947
8 (50 U.S.C. 403–1(b)) is amended—

9 (1) by inserting “(1)” before “Unless”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) The Director of National Intelligence shall—

13 “(A) have access to all national intelligence, in-
14 cluding intelligence reports, operational data, and
15 other associated information, concerning the human
16 intelligence operations of any element of the intel-
17 ligence community authorized to undertake such col-
18 lection;

19 “(B) consistent with the protection of intel-
20 ligence sources and methods and applicable require-
21 ments in Executive Order 12333 (or any successor
22 order) regarding the retention and dissemination of
23 information concerning United States persons, en-
24 sure maximum access to the intelligence information
25 contained in the information referred to in subpara-

1 graph (A) throughout the intelligence community;
2 and

3 “(C) consistent with subparagraph (B), provide
4 within the Office of the Director of National Intel-
5 ligence a mechanism for intelligence community ana-
6 lysts and other officers with appropriate clearances
7 and an official need-to-know to gain access to infor-
8 mation referred to in subparagraph (A) or (B) when
9 relevant to their official responsibilities.”.

10 **SEC. 2404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF**
11 **THE DIRECTOR OF NATIONAL INTEL-**
12 **LIGENCE.**

13 Section 102A of the National Security Act of 1947
14 (50 U.S.C. 403–1) is amended by adding at the end the
15 following new subsection:

16 “(s) **ADDITIONAL ADMINISTRATIVE AUTHORITIES.**—
17 (1) Notwithstanding section 1532 of title 31, United
18 States Code, or any other provision of law prohibiting the
19 interagency financing of activities described in clause (i)
20 or (ii) of subparagraph (A), in the performance of the re-
21 sponsibilities, authorities, and duties of the Director of
22 National Intelligence or the Office of the Director of Na-
23 tional Intelligence—

24 “(A) the Director may authorize the use of
25 interagency financing for—

1 “(i) national intelligence centers estab-
2 lished by the Director under section 119B; and

3 “(ii) boards, commissions, councils, com-
4 mittees, and similar groups established by the
5 Director; and

6 “(B) upon the authorization of the Director,
7 any department, agency, or element of the United
8 States Government, including any element of the in-
9 telligence community, may fund or participate in the
10 funding of such activities.

11 “(2) No provision of law enacted after the date of
12 the enactment of this subsection shall be deemed to limit
13 or supersede the authority in paragraph (1) unless such
14 provision makes specific reference to the authority in that
15 paragraph.”.

16 **SEC. 2405. CLARIFICATION OF LIMITATION ON CO-LOCA-**
17 **TION OF THE OFFICE OF THE DIRECTOR OF**
18 **NATIONAL INTELLIGENCE.**

19 Section 103(e) of the National Security Act of 1947
20 (50 U.S.C. 403–3(e)) is amended—

21 (1) by striking “**WITH**” and inserting “**OF**
22 **HEADQUARTERS WITH HEADQUARTERS OF**”;

23 (2) by inserting “the headquarters of” before
24 “the Office”; and

1 (3) by striking “any other element” and insert-
2 ing “the headquarters of any other element”.

3 **SEC. 2406. ADDITIONAL DUTIES OF THE DIRECTOR OF**
4 **SCIENCE AND TECHNOLOGY OF THE OFFICE**
5 **OF THE DIRECTOR OF NATIONAL INTEL-**
6 **LIGENCE.**

7 (a) COORDINATION AND PRIORITIZATION OF RE-
8 SEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE
9 COMMUNITY.—Subsection (d) of section 103E of the Na-
10 tional Security Act of 1947 (50 U.S.C. 403–3e) is amend-
11 ed—

12 (1) in paragraph (3)(A), by inserting “and
13 prioritize” after “coordinate”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(4) In carrying out paragraph (3)(A), the Com-
17 mittee shall identify basic, advanced, and applied research
18 programs to be carried out by elements of the intelligence
19 community.”.

20 (b) DEVELOPMENT OF TECHNOLOGY GOALS.—That
21 section is further amended—

22 (1) in subsection (c)—

23 (A) in paragraph (4), by striking “and” at
24 the end;

1 (B) by redesignating paragraph (5) as
2 paragraph (8); and

3 (C) by inserting after paragraph (4) the
4 following new paragraphs:

5 “(5) assist the Director in establishing goals for
6 the elements of the intelligence community to meet
7 the technology needs of the intelligence community;

8 “(6) under the direction of the Director, estab-
9 lish engineering standards and specifications appli-
10 cable to each acquisition of a major system (as that
11 term is defined in section 506A(e)(3)) by the intel-
12 ligence community;

13 “(7) ensure that each acquisition program of
14 the intelligence community for a major system (as so
15 defined) complies with the standards and specifica-
16 tions established under paragraph (6); and”;

17 (2) by adding at the end the following new sub-
18 section:

19 “(e) GOALS FOR TECHNOLOGY NEEDS OF INTEL-
20 LIGENCE COMMUNITY.—In carrying out subsection (c)(5),
21 the Director of Science and Technology shall—

22 “(1) systematically identify and assess the most
23 significant intelligence challenges that require tech-
24 nical solutions;

1 “(2) examine options to enhance the responsive-
2 ness of research and design programs of the ele-
3 ments of the intelligence community to meet the re-
4 quirements of the intelligence community for timely
5 support; and

6 “(3) assist the Director of National Intelligence
7 in establishing research and development priorities
8 and projects for the intelligence community that—

9 “(A) are consistent with current or future
10 national intelligence requirements;

11 “(B) address deficiencies or gaps in the
12 collection, processing, analysis, or dissemination
13 of national intelligence;

14 “(C) take into account funding constraints
15 in program development and acquisition; and

16 “(D) address system requirements from
17 collection to final dissemination (also known as
18 ‘end-to-end architecture’).”.

19 (c) REPORT.—(1) Not later than June 30, 2007, the
20 Director of National Intelligence shall submit to Congress
21 a report containing a strategy for the development and
22 use of technology in the intelligence community through
23 2021.

24 (2) The report shall include—

1 (A) an assessment of the highest priority intel-
2 ligence gaps across the intelligence community that
3 may be resolved by the use of technology;

4 (B) goals for advanced research and develop-
5 ment and a strategy to achieve such goals;

6 (C) an explanation of how each advanced re-
7 search and development project funded under the
8 National Intelligence Program addresses an identi-
9 fied intelligence gap;

10 (D) a list of all current and projected research
11 and development projects by research type (basic,
12 advanced, or applied) with estimated funding levels,
13 estimated initiation dates, and estimated completion
14 dates; and

15 (E) a plan to incorporate technology from re-
16 search and development projects into National Intel-
17 ligence Program acquisition programs.

18 (3) The report may be submitted in classified form.

19 **SEC. 2407. APPOINTMENT AND TITLE OF CHIEF INFORMA-**
20 **TION OFFICER OF THE INTELLIGENCE COM-**
21 **MUNITY.**

22 (a) APPOINTMENT.—

23 (1) IN GENERAL.—Subsection (a) of section
24 103G of the National Security Act of 1947 (50
25 U.S.C. 403–3g) is amended by striking “the Presi-

1 dent, by and with the advice and consent of the Sen-
2 ate” and inserting “the Director of National Intel-
3 ligence”.

4 (2) APPLICABILITY.—The amendment made by
5 paragraph (1) shall take effect on the date of the en-
6 actment of this Act, and shall apply with respect to
7 any appointment of an individual as Chief Informa-
8 tion Officer of the Intelligence Community that is
9 made on or after that date.

10 (b) TITLE.—Such section is further amended—

11 (1) in subsection (a), by inserting “of the Intel-
12 ligence Community” after “Chief Information Offi-
13 cer”;

14 (2) in subsection (b), by inserting “of the Intel-
15 ligence Community” after “Chief Information Offi-
16 cer”;

17 (3) in subsection (c), by inserting “of the Intel-
18 ligence Community” after “Chief Information Offi-
19 cer”; and

20 (4) in subsection (d), by inserting “of the Intel-
21 ligence Community” after “Chief Information Offi-
22 cer” the first place it appears.

1 **SEC. 2408. INSPECTOR GENERAL OF THE INTELLIGENCE**
2 **COMMUNITY.**

3 (a) ESTABLISHMENT.—(1) Title I of the National Se-
4 curity Act of 1947 (50 U.S.C. 402 et seq.) is amended
5 by inserting after section 103G the following new section:

6 “INSPECTOR GENERAL OF THE INTELLIGENCE
7 COMMUNITY

8 “SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL
9 OF INTELLIGENCE COMMUNITY.—There is within the Of-
10 fice of the Director of National Intelligence an Office of
11 the Inspector General of the Intelligence Community.

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

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

18 “(A) the programs and operations of the
19 intelligence community;

20 “(B) the elements of the intelligence com-
21 munity within the National Intelligence Pro-
22 gram; and

23 “(C) the relationships between the ele-
24 ments of the intelligence community within the
25 National Intelligence Program and the other
26 elements of the intelligence community;

1 “(2) recommend policies designed—

2 “(A) to promote economy, efficiency, and
3 effectiveness in the administration and imple-
4 mentation of such programs and operations,
5 and in such relationships; and

6 “(B) to prevent and detect fraud and
7 abuse in such programs, operations, and rela-
8 tionships;

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

12 “(A) problems and deficiencies relating to
13 the administration and implementation of such
14 programs and operations, and to such relation-
15 ships; and

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

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

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

1 “(B) the necessity for, and the progress of,
2 corrective actions.

3 “(c) INSPECTOR GENERAL OF INTELLIGENCE COM-
4 MUNITY.—(1) There is an Inspector General of the Intel-
5 ligence Community, who shall be the head of the Office
6 of the Inspector General of the Intelligence Community,
7 who shall be appointed by the President, by and with the
8 advice and consent of the Senate.

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

11 “(A) without regard to political affiliation;

12 “(B) solely on the basis of integrity, compliance
13 with the security standards of the intelligence com-
14 munity, and prior experience in the field of intel-
15 ligence or national security; and

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

19 “(3) The Inspector General shall report directly to
20 and be under the general supervision of the Director of
21 National Intelligence.

22 “(4) The Inspector General may be removed from of-
23 fice only by the President. The President shall imme-
24 diately communicate in writing to the congressional intel-

1 lidence committees the reasons for the removal of any indi-
2 vidual from the position of Inspector General.

3 “(d) DUTIES AND RESPONSIBILITIES.—Subject to
4 subsections (g) and (h), it shall be the duty and responsi-
5 bility of the Inspector General of the Intelligence Commu-
6 nity—

7 “(1) to provide policy direction for, and to plan,
8 conduct, supervise, and coordinate independently,
9 the investigations, inspections, and audits relating to
10 the programs and operations of the intelligence com-
11 munity, the elements of the intelligence community
12 within the National Intelligence Program, and the
13 relationships between the elements of the intelligence
14 community within the National Intelligence Program
15 and the other elements of the intelligence community
16 to ensure they are conducted efficiently and in ac-
17 cordance with applicable law and regulations;

18 “(2) to keep the Director of National Intel-
19 lidence fully and currently informed concerning vio-
20 lations of law and regulations, violations of civil lib-
21 erties and privacy, and fraud and other serious prob-
22 lems, abuses, and deficiencies that may occur in
23 such programs and operations, and in such relation-
24 ships, and to report the progress made in imple-
25 menting corrective action;

1 “(3) to take due regard for the protection of in-
2 telligence sources and methods in the preparation of
3 all reports issued by the Inspector General, and, to
4 the extent consistent with the purpose and objective
5 of such reports, take such measures as may be ap-
6 propriate to minimize the disclosure of intelligence
7 sources and methods described in such reports; and

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

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

18 “(2) If the Director exercises the authority under
19 paragraph (1), the Director shall submit an appropriately
20 classified statement of the reasons for the exercise of such
21 authority within 7 days to the congressional intelligence
22 committees.

23 “(3) The Director shall advise the Inspector General
24 at the time a report under paragraph (2) is submitted,
25 and, to the extent consistent with the protection of intel-

1 lligence sources and methods, provide the Inspector Gen-
2 eral with a copy of such report.

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

8 “(f) AUTHORITIES.—(1) The Inspector General of
9 the Intelligence Community shall have direct and prompt
10 access to the Director of National Intelligence when nec-
11 essary for any purpose pertaining to the performance of
12 the duties of the Inspector General.

13 “(2)(A) The Inspector General shall have access to
14 any employee, or any employee of a contractor, of any ele-
15 ment of the intelligence community whose testimony is
16 needed for the performance of the duties of the Inspector
17 General.

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

23 “(C) The level of classification or compartmentation
24 of information shall not, in and of itself, provide a suffi-

1 cient rationale for denying the Inspector General access
2 to any materials under subparagraph (B).

3 “(D) Failure on the part of any employee, or any em-
4 ployee of a contractor, of any element of the intelligence
5 community to cooperate with the Inspector General shall
6 be grounds for appropriate administrative actions by the
7 Director or, on the recommendation of the Director, other
8 appropriate officials of the intelligence community, includ-
9 ing loss of employment or the termination of an existing
10 contractual relationship.

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

19 “(A) the Inspector General shall not disclose
20 the identity of the employee without the consent of
21 the employee, unless the Inspector General deter-
22 mines that such disclosure is unavoidable during the
23 course of the investigation or the disclosure is made
24 to an official of the Department of Justice respon-

1 sible for determining whether a prosecution should
2 be undertaken; and

3 “(B) no action constituting a reprisal, or threat
4 of reprisal, for making such complaint may be taken
5 by any employee in a position to take such actions,
6 unless the complaint was made or the information
7 was disclosed with the knowledge that it was false
8 or with willful disregard for its truth or falsity.

9 “(4) The Inspector General shall have authority to
10 administer to or take from any person an oath, affirma-
11 tion, or affidavit, whenever necessary in the performance
12 of the duties of the Inspector General, which oath, affir-
13 mation, or affidavit when administered or taken by or be-
14 fore an employee of the Office of the Inspector General
15 of the Intelligence Community designated by the Inspector
16 General shall have the same force and effect as if adminis-
17 tered or taken by or before an officer having a seal.

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

24 “(B) In the case of departments, agencies, and other
25 elements of the United States Government, the Inspector

1 General shall obtain information, documents, reports, an-
2 swers, records, accounts, papers, and other data and evi-
3 dence for the purpose specified in subparagraph (A) using
4 procedures other than by subpoenas.

5 “(C) The Inspector General may not issue a subpoena
6 for or on behalf of any other element of the intelligence
7 community, including the Office of the Director of Na-
8 tional Intelligence.

9 “(D) In the case of contumacy or refusal to obey a
10 subpoena issued under this paragraph, the subpoena shall
11 be enforceable by order of any appropriate district court
12 of the United States.

13 “(g) COORDINATION AMONG INSPECTORS GENERAL
14 OF INTELLIGENCE COMMUNITY.—(1) In the event of a
15 matter within the jurisdiction of the Inspector General of
16 the Intelligence Community that may be subject to an in-
17 vestigation, inspection, or audit by both the Inspector
18 General of the Intelligence Community and an Inspector
19 General, whether statutory or administrative, with over-
20 sight responsibility for an element or elements of the intel-
21 ligence community, the Inspector General of the Intel-
22 ligence Community and such other Inspector or Inspectors
23 General shall expeditiously resolve which Inspector Gen-
24 eral shall conduct such investigation, inspection, or audit.

1 “(2) The Inspector General conducting an investiga-
2 tion, inspection, or audit covered by paragraph (1) shall
3 submit the results of such investigation, inspection, or
4 audit to any other Inspector General, including the Inspec-
5 tor General of the Intelligence Community, with jurisdic-
6 tion to conduct such investigation, inspection, or audit
7 who did not conduct such investigation, inspection, or
8 audit.

9 “(3)(A) If an investigation, inspection, or audit cov-
10 ered by paragraph (1) is conducted by an Inspector Gen-
11 eral other than the Inspector General of the Intelligence
12 Community, the Inspector General of the Intelligence
13 Community may, upon completion of such investigation,
14 inspection, or audit by such other Inspector General, con-
15 duct under this section a separate investigation, inspec-
16 tion, or audit of the matter concerned if the Inspector
17 General of the Intelligence Community determines that
18 such initial investigation, inspection, or audit was deficient
19 in some manner or that further investigation, inspection,
20 or audit is required.

21 “(B) This paragraph shall not apply to the Inspector
22 General of the Department of Defense or to any other In-
23 spector General within the Department of Defense.

24 “(h) STAFF AND OTHER SUPPORT.—(1) The Inspec-
25 tor General of the Intelligence Community shall be pro-

1 vided with appropriate and adequate office space at cen-
2 tral and field office locations, together with such equip-
3 ment, office supplies, maintenance services, and commu-
4 nications facilities and services as may be necessary for
5 the operation of such offices.

6 “(2)(A) Subject to applicable law and the policies of
7 the Director of National Intelligence, the Inspector Gen-
8 eral shall select, appoint, and employ such officers and em-
9 ployees as may be necessary to carry out the functions
10 of the Inspector General. The Inspector General shall en-
11 sure that any officer or employee so selected, appointed,
12 or employed has security clearances appropriate for the
13 assigned duties of such officer or employee.

14 “(B) In making selections under subparagraph (A),
15 the Inspector General shall ensure that such officers and
16 employees have the requisite training and experience to
17 enable the Inspector General to carry out the duties of
18 the Inspector General effectively.

19 “(C) In meeting the requirements of this paragraph,
20 the Inspector General shall create within the Office of the
21 Inspector General of the Intelligence Community a career
22 cadre of sufficient size to provide appropriate continuity
23 and objectivity needed for the effective performance of the
24 duties of the Inspector General.

1 “(3)(A) Subject to the concurrence of the Director,
2 the Inspector General may request such information or as-
3 sistance as may be necessary for carrying out the duties
4 and responsibilities of the Inspector General from any de-
5 partment, agency, or other element of the United States
6 Government.

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

15 “(C) The Inspector General of the Intelligence Com-
16 munity may, upon reasonable notice to the head of any
17 element of the intelligence community, conduct, as author-
18 ized by this section, an investigation, inspection, or audit
19 of such element and may enter into any place occupied
20 by such element for purposes of the performance of the
21 duties of the Inspector General.

22 “(i) REPORTS.—(1)(A) The Inspector General of the
23 Intelligence Community shall, not later than January 31
24 and July 31 of each year, prepare and submit to the Di-
25 rector of National Intelligence a classified, and, as appro-

1 p r i a t e , u n c l a s s i f i e d s e m i a n n u a l r e p o r t s u m m a r i z i n g t h e a c -
2 t i v i t i e s o f t h e O f f i c e o f t h e I n s p e c t o r G e n e r a l o f t h e I n t e l -
3 l i g e n c e C o m m u n i t y d u r i n g t h e i m m e d i a t e l y p r e c e d i n g 6 -
4 m o n t h p e r i o d s e n d i n g D e c e m b e r 3 1 (o f t h e p r e c e d i n g
5 y e a r) a n d J u n e 3 0 , r e s p e c t i v e l y .

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

8 “(i) A list of the title or subject of each inves-
9 tigation, inspection, or audit conducted during the
10 period covered by such report, including a summary
11 of the progress of each particular investigation, in-
12 spection, or audit since the preceding report of the
13 Inspector General under this paragraph.

14 “(ii) A description of significant problems,
15 abuses, and deficiencies relating to the administra-
16 tion and implementation of programs and operations
17 of the intelligence community, and in the relation-
18 ships between elements of the intelligence commu-
19 nity, identified by the Inspector General during the
20 period covered by such report.

21 “(iii) A description of the recommendations for
22 corrective or disciplinary action made by the Inspec-
23 tor General during the period covered by such report
24 with respect to significant problems, abuses, or defi-
25 ciencies identified in clause (ii).

1 “(iv) A statement whether or not corrective or
2 disciplinary action has been completed on each sig-
3 nificant recommendation described in previous semi-
4 annual reports, and, in a case where corrective ac-
5 tion has been completed, a description of such cor-
6 rective action.

7 “(v) A certification whether or not the Inspec-
8 tor General has had full and direct access to all in-
9 formation relevant to the performance of the func-
10 tions of the Inspector General.

11 “(vi) A description of the exercise of the sub-
12 poena authority under subsection (f)(5) by the In-
13 spector General during the period covered by such
14 report.

15 “(vii) Such recommendations as the Inspector
16 General considers appropriate for legislation to pro-
17 mote economy, efficiency, and effectiveness in the
18 administration and implementation of programs and
19 operations undertaken by the intelligence commu-
20 nity, and in the relationships between elements of
21 the intelligence community, and to detect and elimi-
22 nate fraud and abuse in such programs and oper-
23 ations and in such relationships.

24 “(C) Not later than the 30 days after the date of
25 receipt of a report under subparagraph (A), the Director

1 shall transmit the report to the congressional intelligence
2 committees together with any comments the Director con-
3 siders appropriate.

4 “(2)(A) The Inspector General shall report imme-
5 diately to the Director whenever the Inspector General be-
6 comes aware of particularly serious or flagrant problems,
7 abuses, or deficiencies relating to the administration and
8 implementation of programs or operations of the intel-
9 ligence community or in the relationships between ele-
10 ments of the intelligence community.

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

16 “(3) In the event that—

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

21 “(B) an investigation, inspection, or audit car-
22 ried out by the Inspector General focuses on any
23 current or former intelligence community official
24 who—

1 “(i) holds or held a position in an element
2 of the intelligence community that is subject to
3 appointment by the President, whether or not
4 by and with the advice and consent of the Sen-
5 ate, including such a position held on an acting
6 basis;

7 “(ii) holds or held a position in an element
8 of the intelligence community, including a posi-
9 tion held on an acting basis, that is appointed
10 by the Director of National Intelligence; or

11 “(iii) holds or held a position as head of an
12 element of the intelligence community or a posi-
13 tion covered by subsection (b) or (c) of section
14 106;

15 “(C) a matter requires a report by the Inspec-
16 tor General to the Department of Justice on possible
17 criminal conduct by a current or former official de-
18 scribed in subparagraph (B);

19 “(D) the Inspector General receives notice from
20 the Department of Justice declining or approving
21 prosecution of possible criminal conduct of any cur-
22 rent or former official described in subparagraph
23 (B); or

24 “(E) the Inspector General, after exhausting all
25 possible alternatives, is unable to obtain significant

1 documentary information in the course of an inves-
2 tigation, inspection, or audit,
3 the Inspector General shall immediately notify and submit
4 a report on such matter to the congressional intelligence
5 committees.

6 “(4) Pursuant to title V, the Director shall submit
7 to the congressional intelligence committees any report or
8 findings and recommendations of an investigation, inspec-
9 tion, or audit conducted by the office which has been re-
10 quested by the Chairman or Vice Chairman or Ranking
11 Minority Member of either committee.

12 “(5)(A) An employee of an element of the intelligence
13 community, an employee assigned or detailed to an ele-
14 ment of the intelligence community, or an employee of a
15 contractor to the intelligence community who intends to
16 report to Congress a complaint or information with respect
17 to an urgent concern may report such complaint or infor-
18 mation to the Inspector General.

19 “(B) Not later than the end of the 14-calendar day
20 period beginning on the date of receipt from an employee
21 of a complaint or information under subparagraph (A),
22 the Inspector General shall determine whether the com-
23 plaint or information appears credible. Upon making such
24 a determination, the Inspector General shall transmit to

1 the Director a notice of that determination, together with
2 the complaint or information.

3 “(C) Upon receipt of a transmittal from the Inspector
4 General under subparagraph (B), the Director shall, with-
5 in seven calendar days of such receipt, forward such trans-
6 mittal to the congressional intelligence committees, to-
7 gether with any comments the Director considers appro-
8 priate.

9 “(D)(i) If the Inspector General does not find cred-
10 ible under subparagraph (B) a complaint or information
11 submitted under subparagraph (A), or does not transmit
12 the complaint or information to the Director in accurate
13 form under subparagraph (B), the employee (subject to
14 clause (ii)) may submit the complaint or information to
15 Congress by contacting either or both of the congressional
16 intelligence committees directly.

17 “(ii) An employee may contact the intelligence com-
18 mittees directly as described in clause (i) only if the em-
19 ployee—

20 “(I) before making such a contact, furnishes to
21 the Director, through the Inspector General, a state-
22 ment of the employee’s complaint or information and
23 notice of the employee’s intent to contact the con-
24 gressional intelligence committees directly; and

1 “(II) obtains and follows from the Director,
2 through the Inspector General, direction on how to
3 contact the intelligence committees in accordance
4 with appropriate security practices.

5 “(iii) A member or employee of one of the congres-
6 sional intelligence committees who receives a complaint or
7 information under clause (i) does so in that member or
8 employee’s official capacity as a member or employee of
9 such committee.

10 “(E) The Inspector General shall notify an employee
11 who reports a complaint or information to the Inspector
12 General under this paragraph of each action taken under
13 this paragraph with respect to the complaint or informa-
14 tion. Such notice shall be provided not later than 3 days
15 after any such action is taken.

16 “(F) An action taken by the Director or the Inspector
17 General under this paragraph shall not be subject to judi-
18 cial review.

19 “(G) In this paragraph, the term ‘urgent concern’
20 means any of the following:

21 “(i) A serious or flagrant problem, abuse, viola-
22 tion of law or Executive order, or deficiency relating
23 to the funding, administration, or operations of an
24 intelligence activity involving classified information,

1 but does not include differences of opinions con-
2 cerning public policy matters.

3 “(ii) A false statement to Congress, or a willful
4 withholding from Congress, on an issue of material
5 fact relating to the funding, administration, or oper-
6 ation of an intelligence activity.

7 “(iii) An action, including a personnel action
8 described in section 2302(a)(2)(A) of title 5, United
9 States Code, constituting reprisal or threat of re-
10 prisal prohibited under subsection (f)(3)(B) of this
11 section in response to an employee’s reporting an ur-
12 gent concern in accordance with this paragraph.

13 “(H) In support of this paragraph, Congress makes
14 the findings set forth in paragraphs (1) through (6) of
15 section 701(b) of the Intelligence Community Whistle-
16 blower Protection Act of 1998 (title VII of Public Law
17 105–272; 5 U.S.C. App. 8H note).

18 “(6) In accordance with section 535 of title 28,
19 United States Code, the Inspector General shall report to
20 the Attorney General any information, allegation, or com-
21 plaint received by the Inspector General relating to viola-
22 tions of Federal criminal law that involves a program or
23 operation of an element of the intelligence community, or
24 in the relationships between the elements of the intel-
25 ligence community, consistent with such guidelines as may

1 be issued by the Attorney General pursuant to subsection
2 (b)(2) of such section. A copy of each such report shall
3 be furnished to the Director.

4 “(j) SEPARATE BUDGET ACCOUNT.—The Director of
5 National Intelligence shall, in accordance with procedures
6 to be issued by the Director in consultation with the con-
7 gressional intelligence committees, include in the National
8 Intelligence Program budget a separate account for the
9 Office of Inspector General of the Intelligence Community.

10 “(k) CONSTRUCTION OF DUTIES REGARDING ELE-
11 MENTS OF INTELLIGENCE COMMUNITY.—Except as re-
12 solved pursuant to subsection (g), the performance by the
13 Inspector General of the Intelligence Community of any
14 duty, responsibility, or function regarding an element of
15 the intelligence community shall not be construed to mod-
16 ify or effect the duties and responsibilities of any other
17 Inspector General, whether statutory or administrative,
18 having duties and responsibilities relating to such ele-
19 ment.”.

20 (2) The table of contents in the first section of the
21 National Security Act of 1947 is amended by inserting
22 after the item relating to section 103G the following new
23 item:

“Sec. 103H. Inspector General of the Intelligence Community.”.

1 (b) REPEAL OF SUPERSEDED AUTHORITY TO ES-
2 TABLISH POSITION.—Section 8K of the Inspector General
3 Act of 1978 (5 U.S.C. App.) is repealed.

4 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
5 5314 of title 5, United States Code, is amended by adding
6 at the end the following new item:

7 “Inspector General of the Intelligence Commu-
8 nity.”.

9 **SEC. 2409. LEADERSHIP AND LOCATION OF CERTAIN OF-**
10 **FICES AND OFFICIALS.**

11 (a) NATIONAL COUNTER PROLIFERATION CEN-
12 TER.—Section 119A(a) of the National Security Act of
13 1947 (50 U.S.C. 404o–1(a)) is amended—

14 (1) by striking “(a) ESTABLISHMENT.—” and
15 inserting the following:

16 “(a) IN GENERAL.—

17 “(1) ESTABLISHMENT.—The”; and

18 (2) by adding at the end the following new
19 paragraphs:

20 “(2) DIRECTOR.—The head of the National
21 Counter Proliferation Center shall be the Director of
22 the National Counter Proliferation Center, who shall
23 be appointed by the Director of National Intel-
24 ligence.

1 “(3) LOCATION.—The National Counter Pro-
2 liferation Center shall be located within the Office of
3 the Director of National Intelligence.”.

4 (b) OFFICERS.—Section 103(c) of that Act (50
5 U.S.C. 403–3(c)) is amended—

6 (1) by redesignating paragraph (9) as para-
7 graph (13); and

8 (2) by inserting after paragraph (8) the fol-
9 lowing new paragraphs:

10 “(9) The Chief Information Officer of the Intel-
11 ligence Community.

12 “(10) The Inspector General of the Intelligence
13 Community.

14 “(11) The Director of the National
15 Counterterrorism Center.

16 “(12) The Director of the National Counter
17 Proliferation Center.”.

18 **SEC. 2410. NATIONAL SPACE INTELLIGENCE CENTER.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—Title I of the National Secu-
21 rity Act of 1947 (50 U.S.C. 401 et seq.) is amended
22 by adding after section 119B the following new sec-
23 tion:

1 “NATIONAL SPACE INTELLIGENCE CENTER

2 “SEC. 119C. (a) ESTABLISHMENT.—There is estab-
3 lished within the Office of the Director of National Intel-
4 ligence a National Space Intelligence Center.

5 “(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE
6 CENTER.—The National Intelligence Officer for Science
7 and Technology, or a successor position designated by the
8 Director of National Intelligence, shall act as the Director
9 of the National Space Intelligence Center.

10 “(c) MISSIONS.—The National Space Intelligence
11 Center shall have the following missions:

12 “(1) To coordinate and provide policy direction
13 for the management of space-related intelligence as-
14 sets.

15 “(2) To prioritize collection activities consistent
16 with the National Intelligence Collection Priorities
17 framework, or a successor framework or other docu-
18 ment designated by the Director of National Intel-
19 ligence.

20 “(3) To provide policy direction for programs
21 designed to ensure a sufficient cadre of government
22 and nongovernment personnel in fields relating to
23 space intelligence, including programs to support
24 education, recruitment, hiring, training, and reten-
25 tion of qualified personnel.

1 “(4) To evaluate independent analytic assess-
2 ments of threats to classified United States space in-
3 telligence systems throughout all phases of the devel-
4 opment, acquisition, and operation of such systems.

5 “(d) ACCESS TO INFORMATION.—The Director of
6 National Intelligence shall ensure that the National Space
7 Intelligence Center has access to all national intelligence
8 information (as appropriate), and such other information
9 (as appropriate and practical), necessary for the Center
10 to carry out the missions of the Center under subsection
11 (c).

12 “(e) SEPARATE BUDGET ACCOUNT.—The Director of
13 National Intelligence shall include in the National Intel-
14 ligence Program budget a separate line item for the Na-
15 tional Space Intelligence Center.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents for that Act is amended by inserting after the
18 item relating to section 119B the following new
19 item:

“Sec. 119C. National Space Intelligence Center.”.

20 (b) REPORT ON ORGANIZATION OF CENTER.—

21 (1) REPORT REQUIRED.—Not later than 180
22 days after the date of the enactment of this Act, the
23 Director of the National Space Intelligence Center
24 shall submit to the Select Committee on Intelligence
25 of the Senate and the Permanent Select Committee

1 on Intelligence of the House of Representatives a re-
2 port on the organizational structure of the National
3 Space Intelligence Center established by section
4 119C of the National Security Act of 1947 (as
5 added by subsection (a)).

6 (2) ELEMENTS.—The report required by para-
7 graph (1) shall include the following:

8 (A) The proposed organizational structure
9 of the National Space Intelligence Center.

10 (B) An identification of key participants in
11 the Center.

12 (C) A strategic plan for the Center during
13 the five-year period beginning on the date of
14 the report.

15 **SEC. 2411. OPERATIONAL FILES IN THE OFFICE OF THE DI-**
16 **RECTOR OF NATIONAL INTELLIGENCE.**

17 (a) IN GENERAL.—Title VII of the National Security
18 Act of 1947 (50 U.S.C. 431 et seq.) is amended by insert-
19 ing before section 701 the following new section:

20 “OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR
21 OF NATIONAL INTELLIGENCE

22 “SEC. 700. (a) EXEMPTION OF CERTAIN FILES
23 FROM SEARCH, REVIEW, PUBLICATION, OR DISCLO-
24 SURE.—(1) Information and records described in para-
25 graph (2) shall be exempt from the provisions of section
26 552 of title 5, United States Code, that require search,

1 review, publication, or disclosure in connection therewith
2 when—

3 “(A) such information or records are not dis-
4 seminated outside the Office of the Director of Na-
5 tional Intelligence; or

6 “(B) such information or records are incor-
7 porated into new information or records created by
8 personnel of the Office in a manner that identifies
9 such new information or records as incorporating
10 such information or records and such new informa-
11 tion or records are not disseminated outside the Of-
12 fice.

13 “(2) Information and records described in this para-
14 graph are the following:

15 “(A) Information disseminated or otherwise
16 provided to an element of the Office of the Director
17 of National Intelligence from the operational files of
18 an element of the intelligence community that have
19 been exempted from search, review, publication, or
20 disclosure in accordance with this title or any other
21 provision of law.

22 “(B) Any information or records created by the
23 Office that incorporate information described in sub-
24 paragraph (A).

1 “(3) An operational file of an element of the intel-
2 ligence community from which information described in
3 paragraph (2)(A) is disseminated or provided to the Office
4 of the Director of National Intelligence as described in
5 that paragraph shall remain exempt from search, review,
6 publication, or disclosure under section 552 of title 5,
7 United States Code, to the extent the operational files
8 from which such information was derived remain exempt
9 from search, review, publication, or disclosure under sec-
10 tion 552 of such title.

11 “(b) SEARCH AND REVIEW OF CERTAIN FILES.—In-
12 formation disseminated or otherwise provided to the Office
13 of the Director of National Intelligence by another element
14 of the intelligence community that is not exempt from
15 search, review, publication, or disclosure under subsection
16 (a), and that is authorized to be disseminated outside the
17 Office, shall be subject to search and review under section
18 552 of title 5, United States Code, but may remain exempt
19 from publication and disclosure under such section by the
20 element disseminating or providing such information to
21 the Office to the extent authorized by such section.

22 “(c) SEARCH AND REVIEW FOR CERTAIN PUR-
23 POSES.—Notwithstanding subsection (a), exempted oper-
24 ational files shall continue to be subject to search and re-
25 view for information concerning any of the following:

1 “(1) United States citizens or aliens lawfully
2 admitted for permanent residence who have re-
3 quested information on themselves pursuant to the
4 provisions of section 552 or 552a of title 5, United
5 States Code.

6 “(2) Any special activity the existence of which
7 is not exempt from disclosure under the provisions
8 of section 552 of title 5, United States Code.

9 “(3) The specific subject matter of an investiga-
10 tion by any of the following for any impropriety, or
11 violation of law, Executive order, or Presidential di-
12 rective, in the conduct of an intelligence activity:

13 “(A) The Select Committee on Intelligence
14 of the Senate.

15 “(B) The Permanent Select Committee on
16 Intelligence of the House of Representatives.

17 “(C) The Intelligence Oversight Board.

18 “(D) The Department of Justice.

19 “(E) The Office of the Director of Na-
20 tional Intelligence.

21 “(F) The Office of the Inspector General
22 of the Intelligence Community.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in the first section of that Act is amended by inserting

1 before the item relating to section 701 the following new
2 item:

“Sec. 700. Operational files in the Office of the Director of National Intel-
ligence.”.

3 **SEC. 2412. ELIGIBILITY FOR INCENTIVE AWARDS OF PER-**
4 **SONNEL ASSIGNED TO THE OFFICE OF THE**
5 **DIRECTOR OF NATIONAL INTELLIGENCE.**

6 (a) IN GENERAL.—Subsection (a) of section 402 of
7 the Intelligence Authorization Act for Fiscal Year 1984
8 (50 U.S.C. 403e–1) is amended to read as follows:

9 “(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1)
10 The Director of National Intelligence may exercise the au-
11 thority granted in section 4503 of title 5, United States
12 Code, with respect to Federal employees and members of
13 the Armed Forces detailed or assigned to the Office of
14 the Director of National Intelligence in the same manner
15 as such authority may be exercised with respect to per-
16 sonnel of the Office.

17 “(2) The Director of the Central Intelligence Agency
18 may exercise the authority granted in section 4503 of title
19 5, United States Code, with respect to Federal employees
20 and members of the Armed Forces detailed or assigned
21 to the Central Intelligence Agency in the same manner as
22 such authority may be exercised with respect to personnel
23 of the Agency.”.

1 (b) REPEAL OF OBSOLETE AUTHORITY.—That sec-
2 tion is further amended—

3 (1) by striking subsection (c); and

4 (2) by redesignating subsection (d) as sub-
5 section (c).

6 (c) EXPEDITIOUS PAYMENT.—That section is further
7 amended by adding at the end the following new sub-
8 section (d):

9 “(d) EXPEDITIOUS PAYMENT.—Payment of an
10 award under this authority in this section shall be made
11 as expeditiously as is practicable after the making of the
12 award.”.

13 (d) CONFORMING AMENDMENTS.—That section is
14 further amended—

15 (1) in subsection (b), by striking “to the Cen-
16 tral Intelligence Agency or to the Intelligence Com-
17 munity Staff” and inserting “to the Office of the Di-
18 rector of National Intelligence or to the Central In-
19 telligence Agency”; and

20 (2) in subsection (c), as redesignated by sub-
21 section (b)(2) of this section, by striking “Director
22 of Central Intelligence” and inserting “Director of
23 National Intelligence or Director of the Central In-
24 telligence Agency”.

1 (e) TECHNICAL AND STYLISTIC AMENDMENTS.—

2 That section is further amended—

3 (1) in subsection (b)—

4 (A) by inserting “PERSONNEL ELIGIBLE
5 FOR AWARDS.—” after “(b)”;

6 (B) by striking “subsection (a) of this sec-
7 tion” and inserting “subsection (a)”;

8 (C) by striking “a date five years before
9 the date of enactment of this section” and in-
10 serting “December 9, 1978”; and

11 (2) in subsection (c), as so redesignated, by in-
12 serting “PAYMENT AND ACCEPTANCE OF
13 AWARDS.—” after “(c)”.

14 **SEC. 2413. REPEAL OF CERTAIN AUTHORITIES RELATING**
15 **TO THE OFFICE OF THE NATIONAL COUNTER-**
16 **INTELLIGENCE EXECUTIVE.**

17 (a) REPEAL OF CERTAIN AUTHORITIES.—Section
18 904 of the Counterintelligence Enhancement Act of 2002
19 (title IX of Public Law 107–306; 50 U.S.C. 402e) is
20 amended—

21 (1) by striking subsections (d), (g), (h), (i), and
22 (j); and

23 (2) by redesignating subsections (e), (f), (k),
24 (l), and (m) as subsections (d), (e), (f), (g), and (h),
25 respectively.

1 (b) CONFORMING AMENDMENTS.—That section is
2 further amended—

3 (1) in subsection (d), as redesignated by sub-
4 section (a)(2) of this section, by striking “subsection
5 (f)” each place it appears in paragraphs (1) and (2)
6 and inserting “subsection (e)”; and

7 (2) in subsection (e), as so redesignated—

8 (A) in paragraph (1), by striking “sub-
9 section (e)(1)” and inserting “subsection
10 (d)(1)”; and

11 (B) in paragraph (2), by striking “sub-
12 section (e)(2)” and inserting “subsection
13 (d)(2)”.

14 **SEC. 2414. INAPPLICABILITY OF FEDERAL ADVISORY COM-**
15 **MITTEE ACT TO ADVISORY COMMITTEES OF**
16 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
17 **INTELLIGENCE.**

18 Section 4(b) of the Federal Advisory Committee Act
19 (5 U.S.C. App.) is amended—

20 (1) in paragraph (1), by striking “or”;

21 (2) in paragraph (2), by striking the period and
22 inserting “; or”; and

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

1 “(3) the Office of the Director of National In-
2 telligence.”.

3 **SEC. 2415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
4 **INTELLIGENCE ON THE TRANSPORTATION**
5 **SECURITY OVERSIGHT BOARD.**

6 Subparagraph (F) of section 115(b)(1) of title 49,
7 United States Code, is amended to read as follows:

8 “(F) The Director of National Intelligence,
9 or the Director’s designee.”.

10 **SEC. 2416. APPLICABILITY OF THE PRIVACY ACT TO THE DI-**
11 **RECTOR OF NATIONAL INTELLIGENCE AND**
12 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
13 **INTELLIGENCE.**

14 (a) **AUTHORITY TO EXEMPT.**—The Director of Na-
15 tional Intelligence may prescribe regulations to exempt
16 any system of records within the Office of the Director
17 of National Intelligence from the applicability of the provi-
18 sions of subsections (c)(3), (c)(4), and (d) of section 552a
19 of title 5, United States Code.

20 (b) **PROMULGATION REQUIREMENTS.**—In prescribing
21 any regulations under subsection (a), the Director shall
22 comply with the requirements (including general notice re-
23 quirements) of subsections (b), (c), and (e) of section 553
24 of title 5, United States Code.

1 **Subtitle B—Central Intelligence**
2 **Agency**

3 **SEC. 2421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.**

5 (a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting “from civilian life” after “who shall be appointed”.

10 (b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

13 (1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

16 (2) by inserting after subsection (a) the following new subsection (b):

18 “(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

23 “(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence

1 Agency in carrying out the duties and responsibilities of
2 the Director.

3 “(3) The Deputy Director of the Central Intelligence
4 Agency shall act for, and exercise the powers of, the Direc-
5 tor of the Central Intelligence Agency during the absence
6 or disability of the Director of the Central Intelligence
7 Agency or during a vacancy in the position of Director
8 of the Central Intelligence Agency.”.

9 (c) CONFORMING AMENDMENT.—Paragraph (2) of
10 subsection (d) of such section, as redesignated by sub-
11 section (b)(1) of this section, is further amended by strik-
12 ing “subsection (d)” and inserting “subsection (e)”.

13 (d) EXECUTIVE SCHEDULE LEVEL III.—Section
14 5314 of title 5, United States Code, is amended by adding
15 at the end the following new item:

16 “Deputy Director of the Central Intelligence
17 Agency.”.

18 (e) ROLE OF DNI IN APPOINTMENT.—Section
19 106(a)(2) of the National Security Act of 1947 (50 U.S.C.
20 403–6) is amended by adding at the end the following new
21 subparagraph:

22 “(C) The Deputy Director of the Central Intel-
23 ligence Agency.”.

24 (f) MILITARY STATUS OF INDIVIDUAL SERVING AS
25 DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR AD-

1 MINISTRATIVELY PERFORMING DUTIES OF DEPUTY DI-
2 RECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A
3 commissioned officer of the Armed Forces who is serving
4 as the Director of the Central Intelligence Agency or is
5 engaged in administrative performance of the duties of
6 Deputy Director of the Central Intelligence Agency as of
7 the date of the enactment of this Act shall not, while con-
8 tinuing in such service, or in the administrative perform-
9 ance of such duties, after that date—

10 (A) be subject to supervision or control by the
11 Secretary of Defense or by any officer or employee
12 of the Department of Defense; or

13 (B) exercise, by reason of the officer's status as
14 a commissioned officer, any supervision or control
15 with respect to any of the military or civilian per-
16 sonnel of the Department of Defense except as oth-
17 erwise authorized by law.

18 (2) Except as provided in subparagraph (A) or (B)
19 of paragraph (1), the service, or the administrative per-
20 formance of duties, described in that paragraph by an offi-
21 cer described in that paragraph shall not affect the status,
22 position, rank, or grade of such officer in the Armed
23 Forces, or any emolument, perquisite, right, privilege, or
24 benefit incident to or arising out of such status, position,
25 rank, or grade.

1 (3) A commissioned officer described in paragraph
2 (1), while serving, or continuing in the administrative per-
3 formance of duties, as described in that paragraph and
4 while remaining on active duty, shall continue to receive
5 military pay and allowances. Funds from which such pay
6 and allowances are paid shall be reimbursed from funds
7 available to the Director of the Central Intelligence Agen-
8 cy.

9 (g) EFFECTIVE DATE AND APPLICABILITY.—

10 (1) DIRECTOR OF CENTRAL INTELLIGENCE
11 AGENCY.—The amendment made by subsection (a)
12 shall—

13 (A) take effect on the date of the enact-
14 ment of this Act; and

15 (B) apply upon the occurrence of any act
16 creating a vacancy in the position of Director of
17 the Central Intelligence Agency after such date,
18 except that if the vacancy occurs by resignation
19 from such position of the individual serving in
20 such position on such date, that individual may
21 continue serving in such position after such res-
22 ignation until the individual appointed to suc-
23 ceed such resigning individual as Director of
24 the Central Intelligence Agency, by and with

1 the advice and consent of the Senate, assumes
2 the duties of such position.

3 (2) DEPUTY DIRECTOR OF CENTRAL INTEL-
4 LIGENCE AGENCY.—The amendments made by sub-
5 sections (b) through (e) shall take effect on the date
6 of the enactment of this Act and shall apply upon
7 the earlier of—

8 (A) the date of the nomination by the
9 President of an individual to serve as Deputy
10 Director of the Central Intelligence Agency, ex-
11 cept that the individual administratively per-
12 forming the duties of the Deputy Director of
13 the Central Intelligence Agency as of the date
14 of the enactment of this Act may continue to
15 perform such duties after such date of nomina-
16 tion and until the individual appointed to the
17 position of Deputy Director of the Central In-
18 telligence Agency, by and with the advice and
19 consent of the Senate, assumes the duties of
20 such position; or

21 (B) the date of the cessation of the per-
22 formance of the duties of Deputy Director of
23 the Central Intelligence Agency by the indi-
24 vidual administratively performing such duties
25 as of the date of the enactment of this Act.

1 **SEC. 2422. ENHANCED PROTECTION OF CENTRAL INTEL-**
2 **LIGENCE AGENCY INTELLIGENCE SOURCES**
3 **AND METHODS FROM UNAUTHORIZED DIS-**
4 **CLOSURE.**

5 (a) RESPONSIBILITY OF DIRECTOR OF CENTRAL IN-
6 TELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT
7 OF 1947.—Subsection (e) of section 104A of the National
8 Security Act of 1947 (50 U.S.C. 403–4a), as redesignated
9 by section 2421(b)(1) of this Act, is further amended—

10 (1) in paragraph (3), by striking “and” at the
11 end;

12 (2) by redesignating paragraph (4) as para-
13 graph (5); and

14 (3) by inserting after paragraph (3) the fol-
15 lowing new paragraph (4):

16 “(4) protect intelligence sources and methods of
17 the Central Intelligence Agency from unauthorized
18 disclosure, consistent with any direction issued by
19 the President or the Director of National Intel-
20 ligence; and”.

21 (b) PROTECTION UNDER CENTRAL INTELLIGENCE
22 AGENCY ACT OF 1949.—Section 6 of the Central Intel-
23 ligence Agency Act of 1949 (50 U.S.C. 403g) is amended
24 by striking “section 102A(i)” and all that follows through
25 “unauthorized disclosure” and inserting “sections 102A(i)

1 and 104A(e)(4) of the National Security Act of 1947 (50
2 U.S.C. 403–1(i), 403–4a(e)(4))”.

3 (c) CONSTRUCTION WITH EXEMPTION FROM RE-
4 QUIREMENT FOR DISCLOSURE OF INFORMATION TO PUB-
5 LIC.—Section 104A(e)(4) of the National Security Act of
6 1947, as amended by subsection (a), and section 6 of the
7 Central Intelligence Agency Act of 1949, as amended by
8 subsection (b), shall be treated as statutes that specifically
9 exempt from disclosure the matters specified in such sec-
10 tions for purposes of section 552(b)(3) of title 5, United
11 States Code.

12 (d) TECHNICAL AMENDMENTS TO CENTRAL INTEL-
13 LIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of
14 the Central Intelligence Agency Retirement Act (50
15 U.S.C. 2011(c)) is amended—

16 (1) in the subsection caption, by striking “OF
17 DCI”;

18 (2) by striking “section 102A(i)” and inserting
19 “sections 102A(i) and 104A(e)(4)”;

20 (3) by striking “of National Intelligence”; and

21 (4) by inserting “of the Central Intelligence
22 Agency” after “methods”.

1 **SEC. 2423. ADDITIONAL EXCEPTION TO FOREIGN LAN-**
2 **GUAGE PROFICIENCY REQUIREMENT FOR**
3 **CERTAIN SENIOR LEVEL POSITIONS IN THE**
4 **CENTRAL INTELLIGENCE AGENCY.**

5 (a) **ADDITIONAL EXCEPTION.**—Subsection (h) of sec-
6 tion 104A of the National Security Act of 1947 (50 U.S.C.
7 403–4a), as redesignated by section 2421(b)(1) of this
8 Act, is further amended—

9 (1) in paragraph (1)—

10 (A) by striking “paragraph (2)” and in-
11 serting “paragraphs (2) and (3)”; and

12 (B) by striking “Directorate of Oper-
13 ations” and inserting “National Clandestine
14 Service”;

15 (2) in paragraph (2), by striking “position or
16 category of positions” each place it appears and in-
17 serting “individual, individuals, position, or category
18 of positions”; and

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

21 “(3) Paragraph (1) shall not apply to any individual
22 in the Directorate of Intelligence or the National Clandes-
23 tine Service of the Central Intelligence Agency who is serv-
24 ing in a Senior Intelligence Service position as of Decem-
25 ber 23, 2005, regardless of whether such individual is a
26 member of the Senior Intelligence Service.”.

1 (b) REPORT ON WAIVERS.—Section 611(e) of the In-
2 telligence Authorization Act for Fiscal Year 2005 (Public
3 Law 108–487; 118 Stat. 3955) is amended—

4 (1) by striking the first sentence and inserting
5 the following new sentence: “The Director of the
6 Central Intelligence Agency shall submit to Congress
7 a report that identifies individuals who, or positions
8 within the Senior Intelligence Service in the Direc-
9 torate of Intelligence or the National Clandestine
10 Service of the Central Intelligence Agency that, are
11 determined by the Director to require a waiver
12 under subsection (h) of section 104A of the National
13 Security Act of 1947, as added by subsection (a)
14 and redesignated by section 421(b)(1) of the Intel-
15 ligence Authorization Act for Fiscal Year 2007.”;
16 and

17 (2) in the second sentence—

18 (A) by striking “section 104A(g)(2), as so
19 added” and inserting “subsection (h)(2) of sec-
20 tion 104A, as so added and redesignated”; and

21 (B) by striking “position or category of po-
22 sitions” and inserting “individual, individuals,
23 position, or category of positions”.

1 **SEC. 2424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**
2 **PROTECTIVE PERSONNEL OF THE CENTRAL**
3 **INTELLIGENCE AGENCY.**

4 Section 5(a)(4) of the Central Intelligence Agency
5 Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

6 (1) by inserting “(A)” after “(4)”;

7 (2) in subparagraph (A), as so designated—

8 (A) by striking “and the protection” and
9 inserting “the protection”; and

10 (B) by striking the semicolon and inserting
11 “, and the protection of the Director of Na-
12 tional Intelligence and such personnel of the Of-
13 fice of the Director of National Intelligence as
14 the Director of National Intelligence may des-
15 ignate; and”; and

16 (3) by adding at the end the following new sub-
17 paragraph:

18 “(B) Authorize personnel engaged in the per-
19 formance of protective functions authorized pursuant
20 to subparagraph (A), when engaged in the perform-
21 ance of such functions, to make arrests without war-
22 rant for any offense against the United States com-
23 mitted in the presence of such personnel, or for any
24 felony cognizable under the laws of the United
25 States, if such personnel have reasonable grounds to
26 believe that the person to be arrested has committed

1 or is committing such felony, except that any au-
2 thority pursuant to this subparagraph may be exer-
3 cised only in accordance with guidelines approved by
4 the Director and the Attorney General and such per-
5 sonnel may not exercise any authority for the service
6 of civil process or for the investigation of criminal
7 offenses;”.

8 **SEC. 2425. DIRECTOR OF NATIONAL INTELLIGENCE RE-**
9 **PORT ON RETIREMENT BENEFITS FOR**
10 **FORMER EMPLOYEES OF AIR AMERICA.**

11 (a) IN GENERAL.—Not later than 120 days after the
12 date of the enactment of this Act, the Director of National
13 Intelligence shall submit to Congress a report on the ad-
14 visability of providing Federal retirement benefits to
15 United States citizens for the service of such individuals
16 before 1977 as employees of Air America or an associated
17 company while such company was owned or controlled by
18 the United States Government and operated or managed
19 by the Central Intelligence Agency.

20 (b) REPORT ELEMENTS.—(1) The report required by
21 subsection (a) shall include the following:

22 (A) The history of Air America and associated
23 companies before 1977, including a description of—

24 (i) the relationship between such compa-
25 nies and the Central Intelligence Agency and

1 other elements of the United States Govern-
2 ment;

3 (ii) the workforce of such companies;

4 (iii) the missions performed by such com-
5 panies and their employees for the United
6 States; and

7 (iv) the casualties suffered by employees of
8 such companies in the course of their employ-
9 ment with such companies.

10 (B) A description of the retirement benefits
11 contracted for or promised to the employees of such
12 companies before 1977, the contributions made by
13 such employees for such benefits, the retirement
14 benefits actually paid such employees, the entitle-
15 ment of such employees to the payment of future re-
16 tirement benefits, and the likelihood that former em-
17 ployees of such companies will receive any future re-
18 tirement benefits.

19 (C) An assessment of the difference between—

20 (i) the retirement benefits that former em-
21 ployees of such companies have received or will
22 receive by virtue of their employment with such
23 companies; and

24 (ii) the retirement benefits that such em-
25 ployees would have received and in the future

1 receive if such employees had been, or would
2 now be, treated as employees of the United
3 States whose services while in the employ of
4 such companies had been or would now be cred-
5 ited as Federal service for the purpose of Fed-
6 eral retirement benefits.

7 (D) The recommendations of the Director re-
8 garding the advisability of legislative action to treat
9 employment at such companies as Federal service
10 for the purpose of Federal retirement benefits in
11 light of the relationship between such companies and
12 the United States Government and the services and
13 sacrifices of such employees to and for the United
14 States, and if legislative action is considered advis-
15 able, a proposal for such action and an assessment
16 of its costs.

17 (2) The Director of National Intelligence shall in-
18 clude in the report any views of the Director of the Central
19 Intelligence Agency on the matters covered by the report
20 that the Director of the Central Intelligence Agency con-
21 siders appropriate.

22 (c) ASSISTANCE OF COMPTROLLER GENERAL.—The
23 Comptroller General of the United States shall, upon the
24 request of the Director of National Intelligence and in a
25 manner consistent with the protection of classified infor-

1 mation, assist the Director in the preparation of the report
2 required by subsection (a).

3 (d) FORM.—The report required by subsection (a)
4 shall be submitted in unclassified form, but may include
5 a classified annex.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “Air America” means Air Amer-
8 ica, Incorporated.

9 (2) The term “associated company” means any
10 company associated with or subsidiary to Air Amer-
11 ica, including Air Asia Company Limited and the
12 Pacific Division of Southern Air Transport, Incor-
13 porated.

14 **Subtitle C—Defense Intelligence** 15 **Components**

16 **SEC. 2431. ENHANCEMENTS OF NATIONAL SECURITY AGEN-** 17 **CY TRAINING PROGRAM.**

18 (a) TERMINATION OF EMPLOYEES.—Subsection
19 (d)(1)(C) of section 16 of the National Security Agency
20 Act of 1959 (50 U.S.C. 402 note) is amended by striking
21 “terminated either by” and all that follows and inserting
22 “terminated—

23 “(i) by the Agency due to misconduct by
24 the employee;

25 “(ii) by the employee voluntarily; or

1 “(iii) by the Agency for the failure of the
2 employee to maintain such level of academic
3 standing in the educational course of training
4 as the Director of the National Security Agency
5 shall have specified in the agreement of the em-
6 ployee under this subsection; and”.

7 (b) **AUTHORITY TO WITHHOLD DISCLOSURE OF AF-**
8 **FILIATION WITH NSA.**—Subsection (e) of such section is
9 amended by striking “(1) When an employee” and all that
10 follows through “(2) Agency efforts” and inserting “Agen-
11 cy efforts”.

12 **SEC. 2432. CODIFICATION OF AUTHORITIES OF NATIONAL**
13 **SECURITY AGENCY PROTECTIVE PER-**
14 **SONNEL.**

15 The National Security Agency Act of 1959 (50
16 U.S.C. 402 note) is amended by adding at the end the
17 following new section:

18 “SEC. 20. (a) The Director is authorized to designate
19 personnel of the Agency to perform protective functions
20 for the Director and for any personnel of the Agency des-
21 ignated by the Director.

22 “(b)(1) In the performance of protective functions
23 under this section, personnel of the Agency designated to
24 perform protective functions pursuant to subsection (a)

1 are authorized, when engaged in the performance of such
2 functions, to make arrests without a warrant for—

3 “(A) any offense against the United States
4 committed in the presence of such personnel; or

5 “(B) any felony cognizable under the laws of
6 the United States if such personnel have reasonable
7 grounds to believe that the person to be arrested has
8 committed or is committing such felony.

9 “(2) The authority in paragraph (1) may be exercised
10 only in accordance with guidelines approved by the Direc-
11 tor and the Attorney General.

12 “(3) Personnel of the Agency designated to perform
13 protective functions pursuant to subsection (a) shall not
14 exercise any authority for the service of civil process or
15 the investigation of criminal offenses.

16 “(c) Nothing in this section shall be construed to im-
17 pair or otherwise affect any authority under any other pro-
18 vision of law relating to the performance of protective
19 functions.”.

20 **SEC. 2433. INSPECTOR GENERAL MATTERS.**

21 (a) COVERAGE UNDER INSPECTOR GENERAL ACT OF
22 1978.—Subsection (a)(2) of section 8G of the Inspector
23 General Act of 1978 (5 U.S.C. App. 8G) is amended—

1 (1) by inserting “the Defense Intelligence Agen-
2 cy,” after “the Corporation for Public Broad-
3 casting,”;

4 (2) by inserting “the National Geospatial-Intel-
5 ligence Agency,” after “the National Endowment for
6 the Arts,”; and

7 (3) by inserting “the National Reconnaissance
8 Office, the National Security Agency,” after “the
9 National Labor Relations Board,”.

10 (b) CERTAIN DESIGNATIONS UNDER INSPECTOR
11 GENERAL ACT OF 1978.—Subsection (a) of section 8H
12 of the Inspector General Act of 1978 (5 U.S.C. App. 8H)
13 is amended by adding at the end the following new para-
14 graph:

15 “(3) The Inspectors General of the Defense Intel-
16 ligence Agency, the National Geospatial-Intelligence Agen-
17 cy, the National Reconnaissance Office, and the National
18 Security Agency shall be designees of the Inspector Gen-
19 eral of the Department of Defense for purposes of this
20 section.”.

21 (c) POWER OF HEADS OF ELEMENTS OVER INVES-
22 TIGATIONS.—Subsection (d) of section 8G of that Act—

23 (1) by inserting “(1)” after “(d)”;

24 (2) in the second sentence of paragraph (1), as
25 designated by paragraph (1) of this subsection, by

1 striking “The head” and inserting “Except as pro-
2 vided in paragraph (2), the head”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(2)(A) The Director of National Intelligence or the
6 Secretary of Defense may prohibit the Inspector General
7 of an element of the intelligence community specified in
8 subparagraph (D) from initiating, carrying out, or com-
9 pleting any audit or investigation if the Director or the
10 Secretary, as the case may be, determines that the prohibi-
11 tion is necessary to protect vital national security interests
12 of the United States.

13 “(B) If the Director or the Secretary exercises the
14 authority under subparagraph (A), the Director or the
15 Secretary, as the case may be, shall submit to the commit-
16 tees of Congress specified in subparagraph (E) an appro-
17 priately classified statement of the reasons for the exercise
18 of the authority not later than seven days after the exer-
19 cise of the authority.

20 “(C) At the same time the Director or the Secretary
21 submits under subparagraph (B) a statement on the exer-
22 cise of the authority in subparagraph (A) to the commit-
23 tees of Congress specified in subparagraph (E), the Direc-
24 tor or the Secretary, as the case may be, shall notify the
25 Inspector General of such element of the submittal of such

1 statement and, to the extent consistent with the protection
2 of intelligence sources and methods, provide the Inspector
3 General with a copy of such statement. The Inspector
4 General may submit to such committees of Congress any
5 comments on a notice or statement received by the Inspec-
6 tor General under this subparagraph that the Inspector
7 General considers appropriate.

8 “(D) The elements of the intelligence community
9 specified in this subparagraph are as follows:

10 “(i) The Defense Intelligence Agency.

11 “(ii) The National Geospatial-Intelligence Agen-
12 cy.

13 “(iii) The National Reconnaissance Office.

14 “(iv) The National Security Agency.

15 “(E) The committees of Congress specified in this
16 subparagraph are—

17 “(i) the Committee on Armed Services and the
18 Select Committee on Intelligence of the Senate; and

19 “(ii) the Committee on Armed Services and the
20 Permanent Select Committee on Intelligence of the
21 House of Representatives.”.

1 **SEC. 2434. CONFIRMATION OF APPOINTMENT OF HEADS OF**
2 **CERTAIN COMPONENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY.**

4 (a) DIRECTOR OF NATIONAL SECURITY AGENCY.—
5 The National Security Agency Act of 1959 (50 U.S.C. 402
6 note) is amended by inserting after the first section the
7 following new section:

8 “SEC. 2. (a) There is a Director of the National Secu-
9 rity Agency.

10 “(b) The Director of the National Security Agency
11 shall be appointed by the President, by and with the advice
12 and consent of the Senate.

13 “(c) The Director of the National Security Agency
14 shall be the head of the National Security Agency and
15 shall discharge such functions and duties as are provided
16 by this Act or otherwise by law.”.

17 (b) DIRECTOR OF NATIONAL GEOSPATIAL-INTEL-
18 LIGENCE AGENCY.—Section 441(b) of title 10, United
19 States Code, is amended—

20 (1) by redesignating paragraphs (2) and (3) as
21 paragraphs (3) and (4), respectively; and

22 (2) by inserting after paragraph (1) the fol-
23 lowing new paragraph (2):

24 “(2) The Director of the National Geospatial Intel-
25 ligence Agency shall be appointed by the President, by and
26 with the advice and consent of the Senate.”.

1 (c) DIRECTOR OF NATIONAL RECONNAISSANCE OF-
2 FICE.—The Director of the National Reconnaissance Of-
3 fice shall be appointed by the President, by and with the
4 advice and consent of the Senate.

5 (d) POSITIONS OF IMPORTANCE AND RESPONSI-
6 BILITY.—

7 (1) DESIGNATION OF POSITIONS.—The Presi-
8 dent may designate any of the positions referred to
9 in paragraph (2) as positions of importance and re-
10 sponsibility under section 601 of title 10, United
11 States Code.

12 (2) COVERED POSITIONS.—The positions re-
13 ferred to in this paragraph are as follows:

14 (A) The Director of the National Security
15 Agency.

16 (B) The Director of the National
17 Geospatial-Intelligence Agency.

18 (C) The Director of the National Recon-
19 naissance Office.

20 (e) EFFECTIVE DATE AND APPLICABILITY.—(1) The
21 amendments made by subsections (a) and (b), and sub-
22 section (c), shall take effect on the date of the enactment
23 of this Act and shall apply upon the earlier of—

24 (A) the date of the nomination by the President
25 of an individual to serve in the position concerned,

1 except that the individual serving in such position as
2 of the date of the enactment of this Act may con-
3 tinue to perform such duties after such date of nom-
4 ination and until the individual appointed to such
5 position, by and with the advice and consent of the
6 Senate, assumes the duties of such position; or

7 (B) the date of the cessation of the perform-
8 ance of the duties of such position by the individual
9 performing such duties as of the date of the enact-
10 ment of this Act.

11 (2) Subsection (d) shall take effect on the date of
12 the enactment of this Act.

13 **SEC. 2435. CLARIFICATION OF NATIONAL SECURITY MIS-**
14 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**
15 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**
16 **SEMINATION OF CERTAIN INTELLIGENCE IN-**
17 **FORMATION.**

18 Section 442(a) of title 10, United States Code, is
19 amended—

20 (1) by redesignating paragraph (2) as para-
21 graph (3);

22 (2) by inserting after paragraph (1) the fol-
23 lowing new paragraph (2):

24 “(2)(A) As directed by the Director of National Intel-
25 ligence, the National Geospatial-Intelligence Agency shall

1 also analyze, disseminate, and incorporate into the Na-
2 tional System for Geospatial-Intelligence, likenesses, vid-
3 eos, or presentations produced by ground-based platforms,
4 including handheld or clandestine photography taken by
5 or on behalf of human intelligence collection organizations
6 or available as open-source information.

7 “(B) The authority provided by this paragraph does
8 not include the authority to manage or direct the tasking
9 of, set requirements and priorities for, set technical re-
10 quirements related to, or modify any classification or dis-
11 semination limitations related to the collection of,
12 handheld or clandestine photography taken by or on behalf
13 of human intelligence collection organizations.”; and

14 (3) in paragraph (3), as so redesignated, by
15 striking “paragraph (1)” and inserting “paragraphs
16 (1) and (2)”.

17 **SEC. 2436. SECURITY CLEARANCES IN THE NATIONAL**
18 **GEOSPATIAL-INTELLIGENCE AGENCY.**

19 The Secretary of Defense shall, during the period be-
20 ginning on the date of the enactment of this Act and end-
21 ing on December 31, 2007, delegate to the Director of
22 the National Geospatial-Intelligence Agency personnel se-
23 curity authority with respect to the National Geospatial-
24 Intelligence Agency (including authority relating to the
25 use of contractor personnel in investigations and adjudica-

1 tions for security clearances) that is identical to the per-
2 sonnel security authority of the Director of the National
3 Security Agency with respect to the National Security
4 Agency.

5 **Subtitle D—Other Elements**

6 **SEC. 2441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN** 7 **NON-SPECIAL AGENT EMPLOYEES OF THE** 8 **FEDERAL BUREAU OF INVESTIGATION.**

9 (a) **AUTHORITY TO PAY INCENTIVE.**—The Director
10 of the Federal Bureau of Investigation may pay a cash
11 award authorized by section 4523 of title 5, United States
12 Code, in accordance with the provisions of such section,
13 to any employee of the Federal Bureau of Investigation
14 described in subsection (b) as if such employee were a law
15 enforcement officer as specified in such section.

16 (b) **COVERED EMPLOYEES.**—An employee of the
17 Federal Bureau of Investigation described in this sub-
18 section is any employee of the Federal Bureau of Inves-
19 tigation—

20 (1) who uses foreign language skills in support
21 of the analyses, investigations, or operations of the
22 Bureau to protect against international terrorism or
23 clandestine intelligence activities (or maintains for-
24 eign language skills for purposes of such support);
25 and

1 (2) whom the Director of the Federal Bureau
2 of Investigation, subject to the joint guidance of the
3 Attorney General and the Director of National Intel-
4 ligence, may designate for purposes of this section.

5 **SEC. 2442. AUTHORITY TO SECURE SERVICES BY CON-**
6 **TRACT FOR THE BUREAU OF INTELLIGENCE**
7 **AND RESEARCH OF THE DEPARTMENT OF**
8 **STATE.**

9 Title I of the State Department Basic Authorities Act
10 of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting
11 after section 23 the following new section:

12 “SERVICES BY CONTRACT FOR BUREAU OF
13 INTELLIGENCE AND RESEARCH

14 “SEC. 23A. (a) AUTHORITY TO ENTER INTO CON-
15 TRACTS.—The Secretary may enter into contracts with in-
16 dividuals or organizations for the provision of services in
17 support of the mission of the Bureau of Intelligence and
18 Research of the Department of State if the Secretary de-
19 termines that—

20 “(1) the services to be procured are urgent or
21 unique; and

22 “(2) it would not be practicable for the Depart-
23 ment to obtain such services by other means.

24 “(b) TREATMENT AS EMPLOYEES OF THE UNITED
25 STATES GOVERNMENT.—(1) Individuals employed under
26 a contract pursuant to the authority in subsection (a) shall

1 not, by virtue of the performance of services under such
2 contract, be considered employees of the United States
3 Government for purposes of any law administered by the
4 Office of Personnel Management.

5 “(2) The Secretary may provide for the applicability
6 to individuals described in paragraph (1) of any law ad-
7 ministered by the Secretary concerning the employment
8 of such individuals.

9 “(c) CONTRACT TO BE APPROPRIATE MEANS OF SE-
10 CURING SERVICES.—The chief contracting officer of the
11 Department of State shall ensure that each contract en-
12 tered into by the Secretary under this section is the appro-
13 priate means of securing the services to be provided under
14 such contract.”.

15 **SEC. 2443. CLARIFICATION OF INCLUSION OF COAST**
16 **GUARD AND DRUG ENFORCEMENT ADMINIS-**
17 **TRATION AS ELEMENTS OF THE INTEL-**
18 **LIGENCE COMMUNITY.**

19 Section 3(4) of the National Security Act of 1947 (50
20 U.S.C. 401a(4)) is amended—

21 (1) in subparagraph (H)—

22 (A) by inserting “the Coast Guard,” after
23 “the Marine Corps,”; and

1 (B) by inserting “the Drug Enforcement
2 Administration,” after “the Federal Bureau of
3 Investigation,”; and

4 (2) in subparagraph (K), by striking “, includ-
5 ing the Office of Intelligence of the Coast Guard”.

6 **SEC. 2444. CLARIFYING AMENDMENTS RELATING TO SEC-**
7 **TION 105 OF THE INTELLIGENCE AUTHORIZA-**
8 **TION ACT FOR FISCAL YEAR 2004.**

9 Section 105(b) of the Intelligence Authorization Act
10 for Fiscal Year 2004 (Public Law 108–177; 117 Stat.
11 2603; 31 U.S.C. 311 note) is amended—

12 (1) by striking “Director of Central Intel-
13 ligence” and inserting “Director of National Intel-
14 ligence”; and

15 (2) by inserting “or in section 313 of such
16 title,” after “subsection (a)),”.

17 **TITLE XXV—OTHER MATTERS**

18 **SEC. 2501. TECHNICAL AMENDMENTS TO THE NATIONAL**
19 **SECURITY ACT OF 1947.**

20 The National Security Act of 1947 (50 U.S.C. 401
21 et seq.) is amended as follows:

22 (1) In section 102A (50 U.S.C. 403–1)—

23 (A) in subsection (c)(7)(A), by striking
24 “section” and inserting “subsection”;

25 (B) in subsection (d)—

1 (i) in paragraph (3), by striking “sub-
2 paragraph (A)” in the matter preceding
3 subparagraph (A) and inserting “para-
4 graph (1)(A)”;

5 (ii) in paragraph (5)(A), by striking
6 “or personnel” in the matter preceding
7 clause (i); and

8 (iii) in paragraph (5)(B), by striking
9 “or agency involved” in the second sen-
10 tence and inserting “involved or the Direc-
11 tor of the Central Intelligence Agency (in
12 the case of the Central Intelligence Agen-
13 cy)”;

14 (C) in subsection (l)(2)(B), by striking
15 “section” and inserting “paragraph”; and

16 (D) in subsection (n), by inserting “AND
17 OTHER” after “ACQUISITION”.

18 (2) In section 119(c)(2)(B) (50 U.S.C.
19 404o(c)(2)(B)), by striking “subsection (h)” and in-
20 sserting “subsection (i)”.

21 (3) In section 705(e)(2)(D)(i) (50 U.S.C.
22 432c(e)(2)(D)(i)), by striking “responsible” and in-
23 sserting “responsive”.

1 **SEC. 2502. TECHNICAL CLARIFICATION OF CERTAIN REF-**
2 **ERENCES TO JOINT MILITARY INTELLIGENCE**
3 **PROGRAM AND TACTICAL INTELLIGENCE**
4 **AND RELATED ACTIVITIES.**

5 Section 102A of the National Security Act of 1947
6 (50 U.S.C. 403–1) is amended—

7 (1) in subsection (c)(3)(A), by striking “annual
8 budgets for the Joint Military Intelligence Program
9 and for Tactical Intelligence and Related Activities”
10 and inserting “annual budget for the Military Intel-
11 ligence Program or any successor program or pro-
12 grams”; and

13 (2) in subsection (d)(1)(B), by striking “Joint
14 Military Intelligence Program” and inserting “Mili-
15 tary Intelligence Program or any successor program
16 or programs”.

17 **SEC. 2503. TECHNICAL AMENDMENTS TO THE INTEL-**
18 **LIGENCE REFORM AND TERRORISM PREVEN-**
19 **TION ACT OF 2004.**

20 (a) AMENDMENTS TO NATIONAL SECURITY INTEL-
21 LIGENCE REFORM ACT OF 2004.—The National Security
22 Intelligence Reform Act of 2004 (title I of Public Law
23 108–458) is further amended as follows:

24 (1) In section 1016(e)(10)(B) (6 U.S.C.
25 458(e)(10)(B)), by striking “Attorney General” the

1 second place it appears and inserting “Department
2 of Justice”.

3 (2) In section 1061 (5 U.S.C. 601 note)—

4 (A) in subsection (d)(4)(A), by striking
5 “National Intelligence Director” and inserting
6 “Director of National Intelligence”; and

7 (B) in subsection (h), by striking “Na-
8 tional Intelligence Director” and inserting “Di-
9 rector of National Intelligence”.

10 (3) In section 1071(e), by striking “(1)”.

11 (4) In section 1072(b), by inserting “AGENCY”
12 after “INTELLIGENCE”.

13 (b) OTHER AMENDMENTS TO INTELLIGENCE RE-
14 FORM AND TERRORISM PREVENTION ACT OF 2004.—The
15 Intelligence Reform and Terrorism Prevention Act of
16 2004 (Public Law 108–458) is amended as follows:

17 (1) In section 2001 (28 U.S.C. 532 note)—

18 (A) in subsection (c)(1), by inserting “of”
19 before “an institutional culture”;

20 (B) in subsection (e)(2), by striking “the
21 National Intelligence Director in a manner con-
22 sistent with section 112(e)” and inserting “the
23 Director of National Intelligence in a manner
24 consistent with applicable law”; and

1 (C) in subsection (f), by striking “shall,”
2 in the matter preceding paragraph (1) and in-
3 serting “shall”.

4 (2) In section 2006 (28 U.S.C. 509 note)—

5 (A) in paragraph (2), by striking “the
6 Federal” and inserting “Federal”; and

7 (B) in paragraph (3), by striking “the spe-
8 cific” and inserting “specific”.

9 **SEC. 2504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
10 **STATES CODE, ARISING FROM ENACTMENT**
11 **OF THE INTELLIGENCE REFORM AND TER-**
12 **RORISM PREVENTION ACT OF 2004.**

13 (a) REFERENCES TO HEAD OF INTELLIGENCE COM-
14 MUNITY.—Title 10, United States Code, is amended by
15 striking “Director of Central Intelligence” each place it
16 appears in a provision as follows and inserting “Director
17 of National Intelligence”:

18 (1) Section 193(d)(2).

19 (2) Section 193(e).

20 (3) Section 201(a).

21 (4) Section 201(b)(1).

22 (5) Section 201(c)(1).

23 (6) Section 425(a).

24 (7) Section 431(b)(1).

25 (8) Section 441(c).

1 (9) Section 441(d).

2 (10) Section 443(d).

3 (11) Section 2273(b)(1).

4 (12) Section 2723(a).

5 (b) CLERICAL AMENDMENTS.—Such title is further
6 amended by striking “DIRECTOR OF CENTRAL INTEL-
7 LIGENCE” each place it appears in a provision as follows
8 and inserting “DIRECTOR OF NATIONAL INTELLIGENCE”:

9 (1) Section 441(c).

10 (2) Section 443(d).

11 (c) REFERENCE TO HEAD OF CENTRAL INTEL-
12 LIGENCE AGENCY.—Section 444 of such title is amended
13 by striking “Director of Central Intelligence” each place
14 it appears and inserting “Director of the Central Intel-
15 ligence Agency”.

16 **SEC. 2505. TECHNICAL AMENDMENT TO THE CENTRAL IN-**
17 **TELLIGENCE AGENCY ACT OF 1949.**

18 Section 5(a)(1) of the Central Intelligence Agency
19 Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking
20 “authorized under paragraphs (2) and (3) of section
21 102(a), subsections (c)(7) and (d) of section 103, sub-
22 sections (a) and (g) of section 104, and section 303 of
23 the National Security Act of 1947 (50 U.S.C. 403(a)(2),
24 (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)” and insert-
25 ing “authorized under subsections (d), (e), (f), and (g) of

1 section 104A of the National Security Act of 1947 (50
2 U.S.C. 403–4a).”.

3 **SEC. 2506. TECHNICAL AMENDMENTS RELATING TO THE**
4 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**
5 **GRAM.**

6 (a) **IN GENERAL.**—Subsection (a) of section 1403 of
7 the National Defense Authorization Act for Fiscal Year
8 1991 (50 U.S.C. 404b) is amended—

9 (1) in the subsection caption, by striking “FOR-
10 EIGN”; and

11 (2) by striking “foreign” each place it appears.

12 (b) **RESPONSIBILITY OF DNI.**—That section is fur-
13 ther amended—

14 (1) in subsections (a) and (c), by striking “Di-
15 rector of Central Intelligence” and inserting “Direc-
16 tor of National Intelligence”; and

17 (2) in subsection (b), by inserting “of National
18 Intelligence” after “Director”.

19 (c) **CONFORMING AMENDMENT.**—The heading of
20 that section is amended to read as follows:

1 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
2 **GRAM.”.**

3 **SEC. 2507. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
4 **SCHEDULE.**

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

9 “Director of the Central Intelligence Agency.”.

10 (b) EXECUTIVE SCHEDULE LEVEL III.—Section
11 5314 of title 5, United States Code, is amended by strik-
12 ing the item relating to the Deputy Directors of Central
13 Intelligence.

14 (c) EXECUTIVE SCHEDULE LEVEL IV.—Section
15 5315 of title 5, United States Code, is amended by strik-
16 ing the item relating to the General Counsel of the Office
17 of the National Intelligence Director and inserting the fol-
18 lowing new item:

19 “General Counsel of the Office of the Director
20 of National Intelligence.”.

21 **SEC. 2508. TECHNICAL AMENDMENTS RELATING TO REDES-**
22 **IGNATION OF THE NATIONAL IMAGERY AND**
23 **MAPPING AGENCY AS THE NATIONAL**
24 **GEOSPATIAL-INTELLIGENCE AGENCY.**

25 (a) TITLE 5, UNITED STATES CODE.—(1) Title 5,
26 United States Code, is amended by striking “National Im-

1 agery and Mapping Agency” each place it appears in a
2 provision as follows and inserting “National Geospatial-
3 Intelligence Agency”:

4 (A) Section 2302(a)(2)(C)(ii).

5 (B) Section 3132(a)(1)(B).

6 (C) Section 4301(1) (in clause (ii)).

7 (D) Section 4701(a)(1)(B).

8 (E) Section 5102(a)(1) (in clause (x)).

9 (F) Section 5342(a)(1) (in clause (K)).

10 (G) Section 6339(a)(1)(E).

11 (H) Section 7323(b)(2)(B)(i)((XIII)).

12 (2) Section 6339(a)(2)(E) of such title is amended
13 by striking “National Imagery and Mapping Agency, the
14 Director of the National Imagery and Mapping Agency”
15 and inserting “National Geospatial-Intelligence Agency,
16 the Director of the National Geospatial-Intelligence Agen-
17 cy”.

18 (b) TITLE 44, UNITED STATES CODE.—(1)(A) Sec-
19 tion 1336 of title 44, United States Code, is amended by
20 striking “National Imagery and Mapping Agency” both
21 places it appears and inserting “National Geospatial-Intel-
22 ligence Agency”.

23 (B) The heading of such section is amended to read
24 as follows:

1 **“§ 1336. National Geospatial-Intelligence Agency: spe-**
2 **cial publications”.**

3 (2) The table of sections at the beginning of chapter
4 13 of such title is amended by striking the item relating
5 to section 1336 and inserting the following new item:

“1336. National Geospatial-Intelligence Agency: special publications.”.

6 (c) HOMELAND SECURITY ACT OF 2002.—Section
7 201(f)(2)(E) of the Homeland Security Act of 2002 (6
8 U.S.C. 121(f)(2)(E)) is amended by striking “National
9 Imagery and Mapping Agency” and inserting “National
10 Geospatial-Intelligence Agency”.

11 (d) INSPECTOR GENERAL ACT OF 1978.—Section 8H
12 of the Inspector General Act of 1978 (5 U.S.C. App.) is
13 amended by striking “National Imagery and Mapping
14 Agency” each place it appears and inserting “National
15 Geospatial-Intelligence Agency”.

16 (e) ETHICS IN GOVERNMENT ACT OF 1978.—Section
17 105(a)(1) of the Ethics in Government Act of 1978 (5
18 U.S.C. App.) is amended by striking “National Imagery
19 and Mapping Agency” and inserting “National
20 Geospatial-Intelligence Agency”.

21 (f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the
22 Employee Polygraph Protection Act of 1988 (29 U.S.C.
23 2006(b)(2)(A)(i)) is amended by striking “National Im-
24 agery and Mapping Agency” and inserting “National
25 Geospatial-Intelligence Agency”.

1 (2) Section 207(a)(2)(B) of the Legislative Branch
2 Appropriations Act, 1993 (44 U.S.C. 501 note) is amend-
3 ed by striking “National Imagery and Mapping Agency”
4 and inserting “National Geospatial-Intelligence Agency”.

5 **DIVISION D—TRANSPORTATION**
6 **SECURITY**
7 **TITLE XXXI—MARITIME**
8 **SECURITY**

9 **SEC. 3101. SHORT TITLE; DEFINITIONS.**

10 (a) **SHORT TITLE.**—This title may be cited as the
11 “Maritime Transportation Security Act of 2006”.

12 (b) **DEFINITIONS.**—In this title:

13 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
14 **TEES.**—The term “appropriate congressional com-
15 mittees” means the Committee on Appropriations,
16 the Committee on Commerce, Science, and Trans-
17 portation, the Committee on Finance, and the Com-
18 mittee on Homeland Security and Governmental Af-
19 fairs of the Senate, and the Committee on Appro-
20 priations, the Committee on Homeland Security, and
21 the Committee on Ways and Means of the House of
22 Representatives.

23 (2) **COMMISSIONER.**—The term “Commis-
24 sioner” means the Commissioner of Customs.

1 (3) DEPARTMENT.—The term “Department”
2 means the Department of Homeland Security.

3 (4) SECRETARY.—The term “Secretary” means
4 the Security of Homeland Security.

5 **SEC. 3102. INTERAGENCY OPERATIONAL COMMAND CEN-**
6 **TERS FOR PORT SECURITY.**

7 (a) IN GENERAL.—Chapter 701 of title 46, United
8 States Code, is amended by inserting after section 70103
9 the following new section:

10 **“§ 70103A. Interagency operational command centers**
11 **for port security**

12 “(a) IN GENERAL.—In order to improve interagency
13 cooperation, unity of command, and the sharing of intel-
14 ligence information in a common mission to provide great-
15 er protection for port and intermodal transportation sys-
16 tems against acts of terrorism, the Secretary, shall estab-
17 lish interagency operational command centers for port se-
18 curity at all high priority ports.

19 “(b) CHARACTERISTICS.—The interagency oper-
20 ational centers shall—

21 “(1) be based on the most appropriate
22 compositional and operational characteristics of the
23 pilot project interagency operational centers for port
24 security in Miami, Florida, Norfolk/Hampton Roads,
25 Virginia, Charleston, South Carolina, and San

1 Diego, California and the virtual operation center at
2 the port of New York/New Jersey;

3 “(2) be adapted to meet the security needs, re-
4 quirements, and resources of the individual port area
5 at which each center is operating;

6 “(3) provide for participation by—

7 “(A) representatives of the United States
8 Customs and Border Protection, Immigration
9 and Customs Enforcement, the Transportation
10 Security Administration, the Department of De-
11 fense, the Department of Justice, and other
12 Federal agencies, determined to be appropriate
13 by the Secretary of Homeland Security;

14 “(B) representatives of State and local law
15 enforcement or port security personnel; and

16 “(C) members of the area maritime secu-
17 rity committee, as deemed appropriate by the
18 Coast Guard Captain of the Port;

19 “(4) be incorporated in the implementation and
20 administration of—

21 “(A) maritime transportation security
22 plans developed under section 70103 of this
23 title;

24 “(B) maritime intelligence activities under
25 section 70113 of this title;

1 “(C) short and long range vessel tracking
2 under sections 70114 and 70115 of this title;

3 “(D) secure transportation systems under
4 section 70119 of this title;

5 “(E) the United States Customs and Bor-
6 der Protection’s screening and high-risk cargo
7 inspection programs;

8 “(F) the transportation security incident
9 response plans required by section 70104 of
10 this title; and

11 “(G) the execution of the protocols estab-
12 lished under sections 3119 and 3120 of the
13 Maritime Transportation Security Act of 2006
14 and the amendments made by such sections.

15 “(c) REPORT REQUIREMENT.—Nothing in this sec-
16 tion relieves the Commandant of the Coast Guard from
17 compliance with the requirements of section 807 of the
18 Coast Guard and Maritime Transportation Act of 2004.
19 The Commandant shall utilize the information developed
20 for the report required by such section 807 in carrying
21 out the requirements of this section.

22 “(d) SECURITY CLEARANCE ASSISTANCE.—The Sec-
23 retary may assist non-Federal personnel described in sub-
24 section (b)(3)(B) or (C) in obtaining expedited appro-

1 p r i a t e s e c u r i t y c l e a r a n c e s a n d i n m a i n t a i n i n g t h e i r s e c u -
2 r i t y c l e a r a n c e s .

3 “(e) SECURITY INCIDENTS.—During a transpor-
4 tation security incident (as defined in section 70101(6) of
5 this title) involving a port, the Coast Guard Captain of
6 the Port, designated by the Commandant of the Coast
7 Guard, in each joint operations center for maritime secu-
8 rity shall act as the incident commander, unless otherwise
9 directed under the National Maritime Transportation Se-
10 curity Plan established under section 70103 of this title
11 or by the President.”.

12 (b) CLERICAL AMENDMENT.—The chapter analysis
13 for chapter 701 of title 46, United States Code, is amend-
14 ed by inserting after the item relating to section 70103
15 the following new item:

“70103A. Interagency operational command centers for port security.”.

16 (c) BUDGET AND COST-SHARING ANALYSIS.—Not
17 later than 180 days after the date of the enactment of
18 this Act, the Secretary of the department in which the
19 Coast Guard is operating shall submit to the Committee
20 on Commerce, Science, and Transportation of the Senate,
21 and the Committee on Homeland Security of the House
22 of Representatives, a proposed budget analysis for imple-
23 menting subsection (a) of section 70103A of title 46,
24 United States Code (as added by subsection (a) of this
25 section), including cost-sharing arrangements with other

1 departments and agencies of the Federal Government in-
2 volved in the interagency operation of the centers estab-
3 lished under such section 70101A.

4 **SEC. 3103. SALVAGE RESPONSE PLAN.**

5 Section 70103(b)(2) of title 46, United States Code,
6 is amended—

7 (1) by redesignating subparagraphs (E) and
8 (F) as subparagraphs (F) and (G), respectively; and

9 (2) by inserting after subparagraph (D) the fol-
10 lowing:

11 “(E) include a salvage response plan—

12 “(i) to identify salvage equipment ca-
13 pable of restoring operational trade capac-
14 ity; and

15 “(ii) to ensure that the flow of cargo
16 through United States ports is reestab-
17 lished as efficiently and quickly as possible
18 after a transportation security incident.”.

19 **SEC. 3104. VESSEL AND FACILITY SECURITY PLANS.**

20 Section 70103(c)(3) of title 46, United States Code,
21 is amended—

22 (1) in subparagraph (E), by striking the “train-
23 ing, periodic unannounced drills and”;

24 (2) by redesignating subparagraphs (F) and
25 (G) as subparagraphs (G) and (H), respectively; and

1 (3) by inserting after subparagraph (E) the fol-
2 lowing new subparagraph:

3 “(F) provide a strategy and timeline for
4 conducting training and periodic unannounced
5 drills for persons on the vessel or at the facility
6 to be carried out under the plan to deter, to the
7 maximum extent practicable, a transportation
8 security incident or a substantial threat of such
9 a transportation security incident;”.

10 **SEC. 3105. ASSISTANCE FOR FOREIGN PORTS.**

11 (a) IN GENERAL.—Section 70109 of title 46, United
12 States Code, is amended—

13 (1) by striking the section heading and insert-
14 ing the following:

15 **“§ 70109. International cooperation and coordina-**
16 **tion”;**

17 and

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

19 “(c) FOREIGN ASSISTANCE PROGRAMS.—

20 “(1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Secretary of Transportation, the Sec-
22 retary of State, the Secretary of Energy, and the
23 Commandant of the United States Coast Guard,
24 shall identify foreign assistance programs that could
25 facilitate implementation of port security

1 antiterrorism measures in foreign countries. The
2 Secretary shall establish a strategic plan to utilize
3 the programs that are capable of implementing port
4 security antiterrorism measures at ports in foreign
5 countries that the Secretary finds, under section
6 70108, to lack effective antiterrorism measures.

7 “(2) CARIBBEAN BASIN.—The Secretary, in co-
8 ordination with the Secretary of State and in con-
9 sultation with the Organization of American States
10 and the Commandant of the United States Coast
11 Guard, shall place particular emphasis on utilizing
12 programs to facilitate the implementation of port se-
13 curity antiterrorism measures at the ports located in
14 the Caribbean Basin, as such ports pose unique se-
15 curity and safety threats to the United States due
16 to—

17 “(A) the strategic location of such ports
18 between South America and United States;

19 “(B) the relative openness of such ports;
20 and

21 “(C) the significant number of shipments
22 of narcotics to the United States that are
23 moved through such ports.

24 “(3) INTERNATIONAL CARGO SECURITY STAND-
25 ARDS.—The Secretary, in consultation with the Sec-

1 retary of State, shall enter into negotiations with
2 foreign governments and international organizations,
3 including the International Maritime Organization,
4 the World Customs Organization, and the Inter-
5 national Standards Organization, as appropriate—

6 “(A) to promote standards for the security
7 of containers and other cargo moving within the
8 international supply chain;

9 “(B) to encourage compliance with min-
10 imum technical requirements for the capabilities
11 of nonintrusive inspection equipment, including
12 imaging and radiation detection devices, estab-
13 lished under the Maritime Transportation Secu-
14 rity Act of 2006;

15 “(C) to implement the requirements of the
16 container security initiative under section
17 70117; and

18 “(D) to implement standards and proce-
19 dures established under section 70119.”.

20 (b) REPORT ON SECURITY AT PORTS IN THE CARIB-
21 BEAN BASIN.—Not later than 180 days after the date of
22 the enactment of this Act, the Comptroller General of the
23 United States shall submit to the Committee on Com-
24 merce, Science, and Transportation of the Senate, the
25 Committee on Transportation and Infrastructure of the

1 House of Representatives, and the Committee on Home-
2 land Security of the House of Representatives a report on
3 the security of ports in the Caribbean Basin. The report—

4 (1) shall include—

5 (A) an assessment of the effectiveness of
6 the measures employed to improve security at
7 ports in the Caribbean Basin and recommenda-
8 tions for any additional measures to improve
9 such security;

10 (B) an estimate of the number of ports in
11 the Caribbean Basin that will not be secured by
12 July 1, 2007, and an estimate of the financial
13 impact in the United States of any action taken
14 pursuant to section 70110 of title 46, United
15 States Code, that affects trade between such
16 ports and the United States; and

17 (C) an assessment of the additional re-
18 sources and program changes that are nec-
19 essary to maximize security at ports in the Car-
20ibbean Basin; and

21 (2) may be submitted in both classified and re-
22 dacted formats.

23 (c) CONFORMING AMENDMENT.—The chapter anal-
24 ysis for chapter 701 of title 46, United States Code, is

1 amended by striking the item relating to section 70901
2 and inserting the following:

“70109. International cooperation and coordination.”.

3 **SEC. 3106. PORT SECURITY GRANTS.**

4 (a) BASIS FOR GRANTS.—Section 70107(a) of title
5 46, United States Code, is amended by striking “for mak-
6 ing a fair and equitable allocation of funds” and inserting
7 “based on risk and vulnerability”.

8 (b) LETTERS OF INTENT.—Section 70107(e) of title
9 46, United States Code, is amended by adding at the end
10 the following:

11 “(5) LETTERS OF INTENT.—The Secretary may
12 execute letters of intent to commit funding for eligi-
13 ble costs. Not more than 20 percent of the grant
14 funds awarded under this subsection in any fiscal
15 year may be awarded for projects that span multiple
16 years.”.

17 **SEC. 3107. OPERATION SAFE COMMERCE.**

18 Section 70107 of title 46, United States Code, is
19 amended by adding at the end the following new sub-
20 section:

21 “(j) OPERATION SAFE COMMERCE.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of the Maritime Transpor-
24 tation Security Act of 2006, the Secretary shall ini-
25 tiate grant projects that—

1 “(A) integrate nonintrusive inspection and
2 radiation detection equipment with automatic
3 identification methods for containers, vessels,
4 and vehicles;

5 “(B) test physical access control protocols
6 and technologies;

7 “(C) create a data sharing network capable
8 of transmitting data required by entities par-
9 ticipating in the international supply chain from
10 every intermodal transfer point to the National
11 Targeting Center of the Department; and

12 “(D) otherwise further maritime and cargo
13 security, as determined by the Secretary.

14 “(2) SUPPLY CHAIN SECURITY FOR SPECIAL
15 CONTAINER AND NONCONTAINERIZED CARGO.—The
16 Secretary shall consider demonstration projects that
17 further the security of the international supply chain
18 for special container cargo, including refrigerated
19 containers, and noncontainerized cargo, including
20 roll-on/roll-off, break-bulk, liquid, and dry bulk
21 cargo.

22 “(3) ANNUAL REPORT.—Not later than March
23 1 of each year, the Secretary shall submit a report
24 detailing the results of Operation Safe Commerce
25 to—

1 “(A) the Committee on Commerce,
2 Science, and Transportation of the Senate;

3 “(B) the Committee on Homeland Security
4 and Government Affairs of the Senate;

5 “(C) the Committee on Homeland Security
6 of the House of Representatives;

7 “(D) the Committee on Appropriations of
8 the Senate; and

9 “(E) the Committee on Appropriations of
10 the House of Representatives.”.

11 **SEC. 3108. PORT SECURITY TRAINING PROGRAM.**

12 (a) IN GENERAL.—The Secretary, acting through the
13 Assistant Secretary for Grants and Training and in co-
14 ordination with components of the Department with mari-
15 time security expertise, including the Coast Guard, the
16 Transportation Security Administration, and United
17 States Customs and Border Protection, shall establish a
18 Port Security Training Program (in this section referred
19 to as the “Program”) for the purpose of enhancing the
20 capabilities of each commercial seaports in the United
21 States to prevent, prepare for, respond to, mitigate
22 against, and recover from threatened or actual acts of ter-
23 rorism, natural disasters, and other emergencies.

24 (b) REQUIREMENTS.—The Program shall provide
25 validated training that—

1 (1) reaches multiple disciplines, including Fed-
2 eral, State, and local government officials, commer-
3 cial seaport personnel and management, and govern-
4 mental and nongovernmental emergency response
5 providers;

6 (2) provides training at the awareness, perform-
7 ance, and management and planning levels;

8 (3) utilizes multiple training mediums and
9 methods, including—

10 (A) direct delivery;

11 (B) train-the-trainer;

12 (C) computer-based training;

13 (D) web-based training; and

14 (E) video teleconferencing;

15 (4) addresses port security topics, including—

16 (A) seaport security plans and procedures,
17 including how security plans and procedures are
18 adjusted when threat levels increase;

19 (B) seaport security force operations and
20 management;

21 (C) physical security and access control at
22 seaports;

23 (D) methods of security for preventing and
24 countering cargo theft;

25 (E) container security;

1 (F) recognition and detection of weapons,
2 dangerous substances, and devices;

3 (G) operation and maintenance of security
4 equipment and systems;

5 (H) security threats and patterns;

6 (I) security incident procedures, including
7 procedures for communicating with govern-
8 mental and nongovernmental emergency re-
9 sponse providers; and

10 (J) evacuation procedures;

11 (5) is consistent with, and supports implemen-
12 tation of, the National Incident Management Sys-
13 tem, the National Response Plan, the National In-
14 frastructure Protection Plan, the National Prepared-
15 ness Guidance, the National Preparedness Goal, the
16 National Maritime Transportation Security Plan and
17 other such national initiatives;

18 (6) is evaluated against clear and consistent
19 performance measures;

20 (7) addresses security requirements under facil-
21 ity security plans; and

22 (8) educates, trains, and involves populations of
23 at-risk neighborhoods around ports, including train-
24 ing on an annual basis for neighborhoods to learn

1 what to be watchful for in order to be a “citizen
2 corps”, if necessary.

3 (c) NATIONAL VOLUNTARY CONSENSUS STAND-
4 ARDS.—The Secretary shall—

5 (1) support the development, promulgation, and
6 regular updating as necessary of national voluntary
7 consensus standards for port security training; and

8 (2) ensure that the training provided under this
9 section is consistent with such standards.

10 (d) TRAINING PARTNERS.—In developing and deliv-
11 ering training under the Program, the Secretary shall—

12 (1) work with government training facilities,
13 academic institutions, private organizations, em-
14 ployee organizations, and other entities that provide
15 specialized, state-of-the-art training for govern-
16 mental and nongovernmental emergency responder
17 providers or commercial seaport personnel and man-
18 agement; and

19 (2) utilize, as appropriate, training courses pro-
20 vided by community colleges, public safety acad-
21 emies, State and private universities, and other fa-
22 cilities.

23 (e) CONSULTATION.—The Secretary shall ensure
24 that, in carrying out the Program, the Office of Grants

1 and Training consults with commercial seaport personnel
2 and management.

3 (f) **COMMERCIAL SEAPORT PERSONNEL DEFINED.**—

4 For purposes of this section, the term “commercial sea-
5 port personnel” means any person engaged in an activity
6 relating to the loading or unloading of cargo, the move-
7 ment or tracking of cargo, the maintenance and repair of
8 intermodal equipment, the operation of cargo-related
9 equipment (whether or not integral to the vessel), and the
10 handling of mooring lines on the dock when a vessel is
11 made fast or let go, in the United States or the coastal
12 waters thereof.

13 **SEC. 3109. PORT SECURITY EXERCISE PROGRAM.**

14 (a) **IN GENERAL.**—The Secretary shall establish a
15 Port Security Exercise Program (in this section referred
16 to as the “Program”) for the purpose of testing and evalu-
17 ating the capabilities of Federal, State, local, and foreign
18 governments, commercial seaport personnel and manage-
19 ment, governmental and nongovernmental emergency re-
20 sponse providers, the private sector, or any other organiza-
21 tion or entity, as the Secretary determines to be appro-
22 priate, to prevent, prepare for, mitigate against, respond
23 to, and recover from acts of terrorism, natural disasters,
24 and other emergencies at commercial seaports.

1 (b) REQUIREMENTS.—The Secretary, acting through
2 the Assistant Secretary for Grants and Training and in
3 coordination with components of the Department with
4 maritime security expertise, including the Coast Guard,
5 the Transportation Security Administration, and United
6 States Customs and Border Protection, shall ensure that
7 the Program—

8 (1) consolidates all existing port security exer-
9 cise programs administered by the Department;

10 (2) conducts, on a periodic basis, port security
11 exercises at commercial seaports that are—

12 (A) scaled and tailored to the needs of
13 each port;

14 (B) live in the case of the most at-risk
15 ports;

16 (C) as realistic as practicable and based on
17 current risk assessments, including credible
18 threats, vulnerabilities, and consequences;

19 (D) consistent with the National Incident
20 Management System, the National Response
21 Plan, the National Infrastructure Protection
22 Plan, the National Preparedness Guidance, the
23 National Preparedness Goal, the National Mari-
24 time Transportation Security Plan and other
25 such national initiatives;

1 (E) evaluated against clear and consistent
2 performance measures;

3 (F) assessed to learn best practices, which
4 shall be shared with appropriate Federal, State,
5 and local officials, seaport personnel and man-
6 agement; governmental and nongovernmental
7 emergency response providers, and the private
8 sector; and

9 (G) followed by remedial action in response
10 to lessons learned; and

11 (3) assists State and local governments and
12 commercial seaports in designing, implementing, and
13 evaluating exercises that—

14 (A) conform to the requirements of para-
15 graph (2); and

16 (B) are consistent with any applicable Area
17 Maritime Transportation Security Plan and
18 State or Urban Area Homeland Security Plan.

19 (c) REMEDIAL ACTION MANAGEMENT SYSTEM.—The
20 Secretary, acting through the Assistant Secretary for
21 Grants and Training, shall establish a Remedial Action
22 Management System to—

23 (1) identify and analyze each port security exer-
24 cise for lessons learned and best practices;

1 (2) disseminate lessons learned and best prac-
2 tices to participants in the Program;

3 (3) monitor the implementation of lessons
4 learned and best practices by participants in the
5 Program; and

6 (4) conduct remedial action tracking and long-
7 term trend analysis.

8 (d) GRANT PROGRAM FACTOR.—In evaluating and
9 prioritizing applications for the port security grant pro-
10 gram under section 70107 of title 46, United States Code,
11 the Secretary shall give additional consideration to those
12 applicants that have conducted port security exercises
13 under this section.

14 (e) CONSULTATION.—The Secretary shall ensure
15 that, in carrying out the Program, the Office of Grants
16 and Training consults with—

17 (1) governmental and nongovernmental emer-
18 gency response providers; and

19 (2) commercial seaport personnel and manage-
20 ment.

21 (f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—
22 For purposes of this section, the term “commercial sea-
23 port personnel” means any person engaged in an activity
24 relating to the loading or unloading of cargo, the move-
25 ment or tracking of cargo, the maintenance and repair of

1 intermodal equipment, the operation of cargo-related
2 equipment (whether or not integral to the vessel), and the
3 handling of mooring lines on the dock when a vessel is
4 made fast or let go, in the United States or the coastal
5 waters thereof.

6 **SEC. 3110. INSPECTION OF CAR FERRIES ENTERING FROM**
7 **CANADA.**

8 Not later than 120 days after the date of the enact-
9 ment of this Act, the Secretary of Homeland Security, act-
10 ing through the Commissioner of Customs, in coordination
11 with the Secretary of State, and their Canadian counter-
12 parts, shall develop a plan for the inspection of passengers
13 and vehicles before such passengers board, or such vehicles
14 are loaded onto, a ferry bound for a United States port.

15 **SEC. 3111. DEADLINE FOR TRANSPORTATION WORKER**
16 **IDENTIFICATION CREDENTIAL SECURITY**
17 **CARDS.**

18 Section 70105(a) of title 46, United States Code, is
19 amended by adding at the end the following:

20 “(3) The Secretary shall—

21 “(A) promulgate a final rule to implement this
22 section not later than January 1, 2007;

23 “(B) conduct a complete review of the biometric
24 card readers not later than 90 days after the pro-
25 mulgation of such rule; and

1 “(C) implement this section not later than July
2 1, 2007.”.

3 **SEC. 3112. PORT SECURITY USER FEE STUDY.**

4 The Secretary of Homeland Security, in consultation
5 with the Secretary of the Treasury and the United States
6 Trade Representative, shall conduct a study of the need
7 for, and feasibility of, establishing a system of oceanborne
8 and port-related intermodal transportation user fees that
9 could be imposed and collected as a dedicated revenue
10 source, on a temporary or continuing basis, to provide nec-
11 essary funding for the improvement and maintenance of
12 enhanced port security. Not later than 1 year after date
13 of the enactment of this Act, the Secretary shall submit
14 a report to the appropriate congressional committees
15 that—

16 (1) contains the Secretary’s findings, conclu-
17 sions, and recommendations (including legislative
18 recommendations if appropriate) regarding imple-
19 mentation of user fees;

20 (2) includes an assessment of the annual
21 amount of customs fees and duties collected through
22 oceanborne and port-related transportation and the
23 amount and percentage of such fees and duties that
24 are dedicated to improving and maintaining security;

1 (3) includes an assessment of the impact of the
2 fees, charges, and standards on the competitiveness
3 of United States ports and port terminal operators;
4 and

5 (4) includes recommendations for addressing
6 any negative impact the fees, charges, and standards
7 have on the competitiveness of United States ports
8 and port terminal operators.

9 **SEC. 3113. UNANNOUNCED INSPECTIONS OF MARITIME FA-**
10 **CILITIES.**

11 Subparagraph (D) of section 70103(c)(4) of title 46,
12 United States Code, is amended to read as follows:

13 “(D) verify the effectiveness of each such
14 facility security plan periodically, not less than
15 twice annually, at least one of which shall be an
16 inspection of the facility that is conducted with-
17 out notice to the facility.”.

18 **SEC. 3114. FOREIGN PORT ASSESSMENTS.**

19 Section 70108 of title 46, United States Code, is
20 amended by adding at the end the following:

21 “(d) PERIODIC REASSESSMENT.—The Secretary
22 shall reassess the effectiveness of antiterrorism measures
23 maintained at ports as described under subsection (a) and
24 of procedures described in subsection (b) not less than
25 every 3 years.”.

1 **SEC. 3115. PILOT PROGRAM TO IMPROVE THE SECURITY OF**
2 **EMPTY CONTAINERS.**

3 (a) IN GENERAL.—The Secretary, acting through the
4 Commissioner of Customs, shall conduct a 1-year pilot
5 program to evaluate and improve the security of empty
6 containers at United States seaports to ensure the safe
7 and secure delivery of cargo and to prevent potential acts
8 of terrorism involving such containers. The pilot program
9 shall include the use of visual searches of empty containers
10 at United States seaports.

11 (b) REPORT.—Not later than 90 days after the com-
12 pletion of the pilot program under paragraph (1), the Sec-
13 retary shall prepare and submit to the appropriate con-
14 gressional committees a report that contains—

15 (1) the results of pilot program; and

16 (2) the determination of the Secretary whether
17 or not to expand the pilot program.

18 **SEC. 3116. DOMESTIC RADIATION DETECTION AND IMAG-**
19 **ING.**

20 (a) EXAMINING CONTAINERS.—Not later than De-
21 cember 31, 2007, all containers entering the United States
22 through the busiest 22 seaports of entry shall be examined
23 for radiation.

24 (b) STRATEGY.—The Secretary shall develop a strat-
25 egy for the deployment of radiation detection capabilities
26 that includes—

1 (1) a risk-based prioritization of ports of entry
2 at which radiation detection equipment will be de-
3 ployed;

4 (2) a proposed time line of when radiation de-
5 tection equipment will be deployed at each of the
6 ports of entry identified under paragraph (1);

7 (3) the type of equipment to be used at each of
8 the ports of entry identified under paragraph (1), in-
9 cluding the joint deployment and utilization of radi-
10 ation detection equipment and nonintrusive imaging
11 equipment;

12 (4) standard operating procedures for exam-
13 ining containers with such equipment, including sen-
14 sor alarming, networking and communications and
15 response protocols;

16 (5) operator training plans;

17 (6) the Department policy for the use of non-
18 intrusive inspection equipment; and

19 (7) a classified annex that—

20 (A) details plans for covert testing; and

21 (B) outlines the risk-based prioritization of
22 ports of entry used under paragraph (1).

23 (c) REPORT.—Not later than 90 days after the date
24 of the enactment of this Act, the Secretary shall submit

1 the strategy developed under subsection (b) to appropriate
2 congressional committees.

3 (d) OTHER WMD THREATS.—Not later than 180
4 days after the date of the enactment of this Act, the Sec-
5 retary shall submit a strategy for the deployment of equip-
6 ment to detect chemical, biological, and other weapons at
7 all ports of entry into the United States to appropriate
8 congressional committees.

9 (e) IMPLEMENTATION.—Not later than 2 years after
10 the date of the enactment of this Act, the Secretary shall
11 fully implement the strategy developed under subsection
12 (b).

13 **SEC. 3117. EVALUATION OF THE ENVIRONMENTAL HEALTH**
14 **AND SAFETY IMPACTS OF NONINTRUSIVE IN-**
15 **SPECTION TECHNOLOGY.**

16 (a) RADIATION SAFETY.—Not later than 90 days
17 after the date of the enactment of this Act, the Director
18 of the National Institutes of Health, in conjunction with
19 the Director of the Domestic Nuclear Detection Office and
20 the Commissioner of Customs, shall—

21 (1) conduct an evaluation of the health and
22 safety impacts of non-intrusive inspection tech-
23 nology; and

1 “(b) **ADDITIONAL PERSONNEL.**—The additional per-
2 sonnel authorized under subsection (a) shall include:

3 “(1) 1,000 additional Customs and Border Pro-
4 tection Officers at United States ports of entry, of
5 which the Commissioner of Customs shall assign—

6 “(A) at least 1 additional officer at each
7 port of entry in the United States; and

8 “(B) the balance of the additional officers
9 authorized by this subsection among ports of
10 entry in the United States based upon the vol-
11 ume of trade.

12 “(2) 100 nonsupervisory import specialists for
13 the purpose of performing trade facilitation and en-
14 forcement functions.

15 “(c) **RESOURCE ALLOCATION MODEL.**—Not later
16 than 1 year after the date of the enactment of this Act,
17 and every 2 years thereafter, the Commissioner of Cus-
18 toms shall prepare and submit to the Committee on Fi-
19 nance of the Senate and the Committee on Ways and
20 Means of the House of Representatives a Resource Alloca-
21 tion Model to determine the optimal staffing levels re-
22 quired to carry out the commercial operations of the
23 United States Customs and Border Protection, including
24 inspection and cargo clearance and the revenue functions
25 described in section 412(b)(2) of the Homeland Security

1 Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply
2 with the requirements of section 412(b)(1) of such Act
3 and shall take into account previous staffing models and
4 historic and projected trade volumes and trends. The Re-
5 source Allocation Model shall apply both risk-based and
6 random sampling approaches for determining adequate
7 staffing needs for priority trade functions, including—

8 “(1) performing revenue functions;

9 “(2) enforcing antidumping and countervailing
10 laws;

11 “(3) protecting intellectual property rights;

12 “(4) enforcing provisions of law relating to tex-
13 tiles;

14 “(5) conducting agricultural inspections; and

15 “(6) enforcing penalties.”.

16 **SEC. 3119. STRATEGIC PLAN.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary, in con-
19 sultation with appropriate Federal, State, local, and tribal
20 government agencies, public port authorities, and private
21 sector stakeholders responsible for security matters that
22 affect or relate to the movement of containers through the
23 international supply chain, shall submit, to appropriate
24 congressional committees, a comprehensive strategic plan
25 to enhance international supply chain.

1 (b) CONTENT.—The strategic plan submitted under
2 subsection (a) shall—

3 (1) clarify and delineate the roles, responsibil-
4 ities, and authorities of Federal, State, local, and
5 tribal government agencies and private sector stake-
6 holders that relate to the security of the movement
7 of containers arriving in, departing from, or moving
8 through seaports of the United States;

9 (2) provide measurable goals, including objec-
10 tives, mechanisms, and a schedule, for furthering the
11 security of commercial operations from point of ori-
12 gin to point of destination;

13 (3) build on available resources and consider
14 costs and benefits;

15 (4) identify mandatory, baseline security goals,
16 and the minimum container security standards and
17 procedures;

18 (5) include a process for sharing intelligence
19 and information with private sector stakeholders to
20 assist in their security efforts;

21 (6) identify a framework for prudent and meas-
22 ured response in the event of a transportation secu-
23 rity incident (as defined in section 70101 of title 46,
24 United States Code,) in a United States seaport;

1 (7) provide a plan for the expeditious resump-
2 tion of the flow of legitimate trade in accordance
3 with the amendments made by section 3120 of this
4 Act;

5 (8) focus on the secure movement of container-
6 ized cargo;

7 (9) consider the linkages between supply chain
8 security and security programs within other systems
9 of movement, including travel security and terrorist
10 financing programs;

11 (10) expand upon and relate to existing strate-
12 gies and plans, including the National Strategy for
13 Maritime Security and the National Maritime Trans-
14 portation Security Plan; and

15 (11) ensure that supply chain security man-
16 dates and voluntary programs, to the extent prac-
17 ticable, provide even-handed treatment for affected
18 parties of the same type, regardless of the size of the
19 particular business.

20 (c) UPDATE.—Not less than 3 years after the stra-
21 tegic plan is submitted under subsection (a), the Secretary
22 shall submit an update of the strategic plan to appropriate
23 congressional committees.

24 (d) CONSULTATIONS.—Consultations described in
25 subsection (a) shall focus on—

1 (1) designing measurable goals, including objec-
2 tives, mechanisms, and a schedule, for furthering the
3 security of the international supply chain;

4 (2) identifying and addressing gaps in capabili-
5 ties, responsibilities, resources, or authorities;

6 (3) identifying and streamlining unnecessary
7 overlaps in capabilities, responsibilities, or authori-
8 ties; and

9 (4) identifying and making recommendations
10 regarding legislative, regulatory, and organizational
11 changes necessary to improve coordination among
12 the entities or to enhance the security of the inter-
13 national supply chain.

14 (e) UTILIZATION OF ADVISORY COMMITTEES.—As
15 part of the consultative process, the Secretary shall utilize
16 the Homeland Security Advisory Committee, the National
17 Maritime Security Advisory Committee, and the Commer-
18 cial Operations Advisory Committee to review the draft
19 strategic plan and any subsequent update to that plan.

20 (f) INTERNATIONAL STANDARDS AND PRACTICES.—
21 In furtherance of the strategic plan, the Secretary is en-
22 couraged to consider proposed or established standards
23 and practices of foreign governments and international or-
24 ganizations, including, as appropriate, the International
25 Maritime Organization, the World Customs Organization,

1 the International Labor Organization, and the Inter-
2 national Organization for Standardization to establish
3 standards and best practices for the security of containers
4 moving through the international supply chain.

5 **SEC. 3120. RESUMPTION OF TRADE.**

6 (a) Section 70103(a)(2)(J) of title 46, United States
7 Code, is amended by inserting after the end period: “The
8 plan shall provide, to the extent practicable, preference in
9 the reestablishment of the flow of cargo through United
10 States ports after a transportation security incident to—

11 “(i) vessels that have a vessel security
12 plan approved under subsection (c) or ves-
13 sels that have a valid international ship se-
14 curity certificate; and

15 “(ii) vessels manned by individuals
16 who are described in section
17 70105(b)(2)(B) and who have undergone a
18 background records check under section
19 70105(d) or who hold transportation secu-
20 rity cards issued under section 70105.”.

21 (b) Title III of the Tariff Act of 1930 is amended
22 by inserting after section 318 the following new section:

23 **“SEC. 318A. TRADE RESUMPTION PLAN.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) INSPECTION.—The term ‘inspection’
2 means the comprehensive process used by the per-
3 sonnel of the United States Customs and Border
4 Protection to assess goods entering the United
5 States for duty purposes, to detect the presence of
6 restricted or prohibited items, or to ensure compli-
7 ance with applicable laws. The process may include
8 screening, conducting an examination, or conducting
9 a search.

10 “(2) TARGETING.—The term ‘targeting’ means
11 the process used by the personnel of the United
12 States Customs and Border Protection to determine
13 the risk of security or trade violations associated
14 with cargo bound for the United States.

15 “(3) TRANSPORTATION DISRUPTION.—The
16 term ‘transportation disruption’ means any signifi-
17 cant delay, interruption, or stoppage in the flow of
18 international trade caused by a natural disaster,
19 labor dispute, heightened threat level, an act of ter-
20 rorism, or any transportation security incident de-
21 fined in section 1572.3 of title 49, Code of Federal
22 Regulations.

23 “(b) TRADE RESUMPTION PLAN.—Not later than 1
24 year after the date of the enactment of this Act, the Com-
25 missioner of Customs shall develop a Trade Resumption

1 Plan to provide for the resumption of trade in the event
2 of a transportation disruption. The Plan shall include—

3 “(1) a program to redeploy resources and per-
4 sonnel, as necessary, to reestablish the flow of inter-
5 national trade in the event of a transportation dis-
6 ruption;

7 “(2) a training program to periodically instruct
8 personnel of the United States Customs and Border
9 Protection in trade resumption functions in the
10 event of a transportation disruption;

11 “(3) a plan to revise cargo targeting and in-
12 spection protocols to meet the security and trade fa-
13 cilitation needs of the United States following a
14 transportation disruption, including, to the extent
15 practicable, giving priority to—

16 “(A) cargo originating from a designated
17 port described in section 629(j);

18 “(B) cargo that has been handled, stored,
19 shipped, and imported by, or otherwise proc-
20 essed by, a tier 3 participant in the Customs-
21 Trade Partnership Against Terrorism (C-
22 TPAT);

23 “(C) cargo that has undergone nuclear or
24 radiological detection scan, x-ray or density
25 scan, and optical character recognition scan, at

1 the last port of departure prior to arrival in the
2 United States;

3 “(D) cargo transported in containers with
4 tamper-proof seals;

5 “(E) perishable cargo; and

6 “(F) any other cargo the Commissioner
7 considers appropriate;

8 “(4) a plan to communicate any revised proce-
9 dures or instructions to the private sector following
10 a transportation disruption; and

11 “(5) a plan to coordinate trade facilitation ef-
12 forts among affected ports of entry following a
13 transportation disruption.

14 “(c) CONSULTATIONS.—

15 “(1) IN GENERAL.—The Commissioner of Cus-
16 toms shall consult with appropriate government
17 agencies, port authorities, terminal operators, and
18 the Customs Commercial Operations Advisory Com-
19 mittee (COAC) in the development of the Trade Re-
20 sumption Plan.

21 “(2) PUBLIC COMMENT.—The Commissioner of
22 Customs shall afford port authorities, terminal oper-
23 ators, and the COAC 60 days in which to comment
24 on a draft Trade Resumption Plan before finalizing
25 such plan.

1 “(d) EXERCISES.—The Commissioner of Customs
2 shall coordinate annual exercises with appropriate Fed-
3 eral, State, and local agencies, port authorities, terminal
4 operators, and tier 3 participants in the C-TPAT to prac-
5 tice and prepare for implementation of the Trade Resump-
6 tion Plan. Such exercises shall be coordinated with the
7 Coast Guard’s area maritime security plan exercises.

8 “(e) REPORT AND CONSULTATION.—Not later than
9 180 days after the date that the annual exercises described
10 in subsection (d) are completed, the Commissioner of Cus-
11 toms shall submit a report to the Committee on Finance
12 of the Senate and the Committee on Ways and Means of
13 the House of Representatives on the status of the Trade
14 Resumption Plan required by subsection (b) and the result
15 of exercises required by subsection (d), and shall consult
16 with the committees regarding any proposals to revise the
17 Plan.”.

18 **SEC. 3121. AUTOMATED TARGETING SYSTEM.**

19 Title III of the Tariff Act of 1930, as added by sec-
20 tion 3120 of this Act, is amended by inserting after sec-
21 tion 318A the following:

22 **“SEC. 318B. AUTOMATED TARGETING SYSTEM.**

23 “(a) IN GENERAL.—The Secretary of Homeland Se-
24 curity, acting through the Commissioner of Customs, shall
25 develop and maintain an antiterrorism cargo identification

1 and screening system for containerized cargo shipped to
2 the United States either directly or via a foreign port to
3 assess imports and target those imports that pose a high
4 risk of containing contraband.

5 “(b) 24-HOUR ADVANCE NOTIFICATION.—In order
6 to provide the best possible data for the Automated Tar-
7 geting System, the Commissioner shall require importers
8 shipping goods to the United States via cargo container
9 to supply advanced trade data or a subset thereof not later
10 than 24 hours before loading a container under the ad-
11 vance notification requirements under section 484(a)(2).
12 The requirement shall apply to goods entered on or after
13 July 1, 2007.

14 “(c) NEW OR EXPANDED INFORMATION SUBMIS-
15 SIONS.—

16 “(1) IN GENERAL.—Any additional information
17 submissions allowable within the Commissioner’s ex-
18 isting authority or submitted voluntarily by supply
19 chain participants shall be transmitted in a secure
20 fashion, as determined by the Commissioner and in
21 accordance with this subsection, to protect the infor-
22 mation from unauthorized access.

23 “(2) CONFIDENTIALITY OF INFORMATION.—In-
24 formation that is required of, or voluntarily sub-
25 mitted by, supply chain participants to the United

1 States Customs and Border Protection for purposes
2 of this section—

3 “(A) shall be exempt from disclosure under
4 section 552 of title 5, United States Code (com-
5 monly referred to as the Freedom of Informa-
6 tion Act);

7 “(B) shall not, without the written consent
8 of the person or entity submitting such infor-
9 mation, be used directly by the Department or
10 a third party, in any civil action arising under
11 Federal or State law if such information is sub-
12 mitted in good faith; and

13 “(C) shall not, without the written consent
14 of the person or entity submitting such infor-
15 mation, be used or disclosed by any officer or
16 employee of the United States for purposes
17 other than the purposes of this section, ex-
18 cept—

19 “(i) in furtherance of an investigation
20 or other prosecution of a criminal act; or

21 “(ii) when disclosure of the informa-
22 tion would be—

23 “(I) to either House of Congress,
24 or to the extent of matter within its
25 jurisdiction, any committee or sub-

1 committee thereof, any joint com-
2 mittee thereof or subcommittee of any
3 such joint committee; or

4 “(II) to the Comptroller General,
5 or any authorized representative of
6 the Comptroller General, in the course
7 of the performance of the duties of
8 the Comptroller General.

9 “(3) INDEPENDENTLY OBTAINED INFORMA-
10 TION.—Nothing in this subsection shall be construed
11 to limit or otherwise affect the ability of a Federal,
12 State, or local, government entity, under applicable
13 law, to obtain supply chain security information, in-
14 cluding any information lawfully and properly dis-
15 closed generally or broadly to the public and to use
16 such information in any manner permitted by law.

17 “(4) PENALTIES.—Any person who is an officer
18 or employee of the United States and knowingly
19 publishes, divulges, discloses, or makes known in any
20 manner or to any extent not authorized by law, any
21 supply chain security information protected in this
22 section from disclosure, shall be—

23 “(A) fined under title 18, United States
24 Code, imprisoned not more than 1 year, or
25 both; and

1 “(B) removed from office or employment.

2 “(5) AUTHORITY TO ISSUE WARNINGS.—The
3 Secretary may provide advisories, alerts, and warn-
4 ings to relevant companies, targeted sectors, other
5 governmental entities, or the general public regard-
6 ing potential risks to the supply chain as appro-
7 priate. In issuing a warning under this paragraph,
8 the Secretary shall take appropriate actions to pro-
9 tect from disclosure—

10 “(A) the source of any voluntarily sub-
11 mitted supply chain security information that
12 forms the basis for the warning; and

13 “(B) information that is proprietary, busi-
14 ness sensitive, relates specifically to the submit-
15 ting person or entity, or is otherwise not appro-
16 priately in the public domain.

17 “(6) SYSTEM IMPROVEMENTS.—The Automated
18 Targeting System used by the United States Cus-
19 toms and Border Protection to identify cargo for in-
20 creased inspection prior to the clearance of such
21 cargo into the United States shall include a compo-
22 nent to permit—

23 “(A) the electronic comparison of similar
24 manifest and available entry data for cargo en-
25 tered into or bound for the United States, in

1 order to efficiently identify cargo for increased
2 inspection or expeditious release following a
3 transportation disruption; and

4 “(B) the electronic isolation of select data
5 elements relating to cargo entered into or
6 bound for the United States, in order to effi-
7 ciently identify cargo for increased inspection or
8 expeditious release following a transportation
9 disruption.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary of Homeland Security
13 to carry out the Automated Targeting System to
14 identify high-risk oceanborne container cargo for in-
15 spection—

16 “(A) \$30,700,000 for fiscal year 2007;

17 “(B) \$33,200,000 for fiscal year 2008; and

18 “(C) \$35,700,000 for fiscal year 2009.

19 “(2) SUPPLEMENT.—The amounts authorized
20 by this subsection shall be in addition to any other
21 amounts authorized to be appropriated to carry out
22 that the Automated Targeting System.”.

23 **SEC. 3122. CONTAINER SECURITY INITIATIVE.**

24 (a) AUTHORIZATION.—The Secretary, acting through
25 the Commissioner of Customs, is authorized to establish

1 and implement a program (to be known as the “Container
2 Security Initiative” or “CSI”) to identify and examine
3 maritime containers that pose a security risk at foreign
4 ports before the containers are shipped to the United
5 States.

6 (b) ASSESSMENT.—Before the Secretary designates
7 any foreign port under CSI, the Secretary, in coordination
8 with other Federal officials, as appropriate, shall conduct
9 an assessment of the port to evaluate the costs, benefits,
10 and other factors associated with such designation, includ-
11 ing—

12 (1) the level of risk for the potential com-
13 promise of containers by terrorists or terrorist weap-
14 ons;

15 (2) the smuggling of narcotics;

16 (3) large scale violations of united States trade
17 laws, including intellectual property rights and tex-
18 tile transshipment;

19 (4) the economic impact of cargo traveling from
20 the foreign port to the United States in terms of
21 trade value and volume;

22 (5) the results of the Coast Guard assessments
23 conducted pursuant to section 70108 of title 46,
24 United States Code;

1 (6) the capabilities and level of cooperation ex-
2 pected of the government of the intended host coun-
3 try;

4 (7) the willingness of the government of the in-
5 tended host country to permit validation of security
6 practices within the country in which the foreign
7 port is located, for the purposes of C-TPAT or simi-
8 lar programs; and

9 (8) the potential for C-TPAT cargo traveling
10 through the foreign port.

11 (c) ANNUAL REPORT.—Not later than March 1 of
12 each year in which the Secretary proposes to designate
13 a foreign port under CSI, the Secretary shall submit a
14 report, in classified or unclassified form, detailing the as-
15 sessment of each foreign port the Secretary is considering
16 designating under CSI, to appropriate congressional com-
17 mittees.

18 (d) CURRENT CSI PORTS.—The report under sub-
19 section (c) shall include an annual assessment justifying
20 the continuance of each port designated under CSI as of
21 the date of enactment of this Act.

22 (e) DESIGNATION OF NEW PORTS.—The Secretary
23 shall not designate a foreign port under CSI unless the
24 Secretary has completed the assessment required in sub-

1 section (b) for that port and submitted a report under sub-
2 section (c) that includes that port.

3 (f) NEGOTIATIONS.—The Secretary may request that
4 the Secretary of State, in conjunction with the United
5 States Trade Representative, enter into trade negotiations
6 with the government of each foreign country with a port
7 designated under CSI, as appropriate, to ensure full com-
8 pliance with the requirements under CSI.

9 (g) INSPECTIONS.—

10 (1) REQUIREMENTS AND PROCEDURES.—The
11 Secretary shall—

12 (A) establish technical capability require-
13 ments and standard operating procedures for
14 the use of nonintrusive inspection and radiation
15 detection equipment in conjunction with CSI;

16 (B) require that the equipment operated at
17 each port designated under CSI be operated in
18 accordance with the requirements and proce-
19 dures established under subparagraph (A); and

20 (C) continually monitor the technologies,
21 processes, and techniques used to inspect cargo
22 at ports designated under CSI.

23 (2) CONSIDERATIONS.—

24 (A) CONSISTENCY OF STANDARDS AND
25 PROCEDURES.—In establishing the technical ca-

1 pability requirements and standard operating
2 procedures under paragraph (1)(A), the Sec-
3 retary shall take into account any such relevant
4 standards and procedures utilized by other Fed-
5 eral departments or agencies as well as those
6 developed by international bodies.

7 (B) APPLICABILITY.—The technical capa-
8 bility requirements and standard operating pro-
9 cedures established pursuant to paragraph
10 (1)(A) shall not apply to activities conducted
11 under the Megaports Initiative of the Depart-
12 ment of Energy.

13 (3) FOREIGN ASSISTANCE.—

14 (A) IN GENERAL.—The Secretary, in co-
15 ordination with the Secretary of State, the Sec-
16 retary of Energy, and other Federal agencies,
17 shall identify foreign assistance programs that
18 could facilitate the implementation of cargo se-
19 curity antiterrorism measures at ports des-
20 ignated under CSI and foreign ports not des-
21 ignated under CSI that lack effective
22 antiterrorism measures.

23 (B) ACQUISITION.—The Secretary may—

24 (i) lease, loan, provide, or otherwise
25 assist in the deployment of non-intrusive

1 inspection and handheld radiation detec-
2 tion equipment at foreign seaports under
3 such terms and conditions as the Secretary
4 prescribes, including nonreimbursable loans
5 or the transfer of ownership of equipment;
6 and

7 (ii) provide training and technical as-
8 sistance for domestic or foreign personnel
9 responsible for operating or maintaining
10 such equipment.

11 (C) TRAINING.—The Secretary may pro-
12 vide training on the use of inspection equip-
13 ment, or other training that the Secretary de-
14 termines to be appropriate to secure the inter-
15 national supply chain, to foreign personnel at
16 each port designated under CSI.

17 (h) PERSONNEL.—The Secretary shall—

18 (1) annually assess the personnel needs at each
19 port designated under CSI; and

20 (2) deploy personnel in accordance with the as-
21 sessment under paragraph (1).

22 (i) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary to carry
24 out this section—

25 (1) \$142,000,000 for fiscal year 2007;

1 (2) \$144,000,000 for fiscal year 2008; and

2 (3) \$146,000,000 for fiscal year 2009.

3 **SEC. 3123. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
4 **RORISM VALIDATION PROGRAM.**

5 (a) ESTABLISHMENT.—

6 (1) ESTABLISHMENT.—The Secretary is au-
7 thORIZED to establish a voluntary program (to be
8 known as the “Customs-Trade Partnership Against
9 Terrorism” or “C-TPAT”) to strengthen and im-
10 prove the overall security of the international supply
11 chain and United States border security.

12 (2) MINIMUM SECURITY REQUIREMENTS.—The
13 Secretary shall review the minimum security require-
14 ments of C-TPAT at least once every year and up-
15 date such requirements as necessary.

16 (b) ELIGIBLE ENTITIES.—Importers, customs bro-
17 kers, forwarders, air, sea, land carriers, contract logistics
18 providers, and other entities in the international supply
19 chain and intermodal transportation system are eligible to
20 apply to voluntarily enter into partnerships with the De-
21 partment under C-TPAT.

22 (c) MINIMUM REQUIREMENTS.—An applicant seek-
23 ing to participate in C-TPAT shall—

24 (1) demonstrate a history of moving commerce
25 in the international supply chain;

1 (2) conduct an assessment of its supply chains
2 based upon security criteria established by the Sec-
3 retary, including—

4 (A) business partner requirements;

5 (B) container security;

6 (C) physical security and access controls;

7 (D) personnel security;

8 (E) procedural security;

9 (F) security training and threat awareness;

10 and

11 (G) information technology security;

12 (3) implement and maintain security measures
13 and supply chain security practices meeting security
14 criteria; and

15 (4) meet all other requirements established by
16 the Secretary.

17 (d) TIER ONE PARTICIPANTS.—

18 (1) BENEFITS.—The Secretary may offer lim-
19 ited benefits to C-TPAT participants whose security
20 measures and supply chain security practices have
21 been certified in accordance with the guidelines es-
22 tablished pursuant to subsection (c).

23 (2) GUIDELINES.—The Secretary shall update
24 guidelines for certifying a C-TPAT participant's se-

1 security measures and supply chain security practices
2 under this section.

3 (e) TIER TWO PARTICIPANTS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 a C-TPAT participant has been certified under sub-
6 section (d), the Secretary shall validate the security
7 measures and supply chain security practices of that
8 participant. Such validation shall include assess-
9 ments at appropriate foreign locations utilized by
10 the participant as part of the supply chain.

11 (2) CONSEQUENCES FOR FAILED VALIDA-
12 TION.—If a C-TPAT participant's security meas-
13 ures and supply chain security practices fail to meet
14 the validation requirements under this section, the
15 Commissioner of Customs may—

16 (A) deny the participant benefits under C-
17 TPAT on a temporary or permanent basis; or

18 (B) suspend or expel the participant from
19 C-TPAT.

20 (3) RIGHT OF APPEAL.—A C-TPAT partici-
21 pant described in this subsection may file an appeal
22 with the Secretary of the Commissioner's decision
23 under paragraph (2) to deny benefits under C-
24 TPAT or under paragraph (2) to suspend or expel
25 the participant from C-TPAT.

1 (4) BENEFITS.—The Secretary shall extend
2 benefits to each C-TPAT participant that has been
3 validated under this section, which may include—

4 (A) reduced examinations; and

5 (B) priority processing for searches.

6 (f) TIER THREE PARTICIPANTS.—

7 (1) IN GENERAL.—The Secretary shall establish
8 a third tier of C-TPAT that offers additional bene-
9 fits to C-TPAT participants that demonstrate a sus-
10 tained commitment beyond the minimum criteria for
11 participation in C-TPAT.

12 (2) ADDITIONAL CRITERIA.—The Secretary
13 shall designate criteria for C-TPAT participants
14 under this section that may include criteria to en-
15 sure—

16 (A) cargo is loaded on a vessel with a ves-
17 sel security plan approved under section
18 70103(c) of title 46, United States Code, or on
19 a vessel with a valid International Ship Security
20 Certificate as provided for under part 104 of
21 title 33, Code of Federal Regulations;

22 (B) container security devices, policies, or
23 practices that exceed the standards and proce-
24 dures established by the Secretary are utilized;
25 and

1 (C) cargo complies with any other require-
2 ments determined by the Secretary.

3 (3) BENEFITS.—The Secretary, in consultation
4 with the Commercial Operations Advisory Com-
5 mittee (COAC) and the National Maritime Security
6 Advisory Committee, may provide benefits to C-
7 TPAT participants under this section, which may in-
8 clude—

9 (A) the expedited release of tier three
10 cargo into destination ports within the United
11 States during all threat levels designated by the
12 Secretary;

13 (B) preference to vessels;

14 (C) further reduced examinations;

15 (D) priority processing for examinations;

16 and,

17 (E) further reduced scores in the Auto-
18 mated Targeting System.

19 (4) DEFINITION.—In this section, the term
20 “container security device” means a mechanical or
21 electronic device designed to, at a minimum, posi-
22 tively identify containers and detect and record un-
23 authorized intrusion of containers. Such devices
24 shall have false alarm rates that have been dem-
25 onstrated to be below one percent.

1 (g) CONSEQUENCES FOR LACK OF COMPLIANCE.—

2 (1) IN GENERAL.—If a C-TPAT participant's
3 security measures and supply chain security prac-
4 tices fail to meet any of the requirements under this
5 title, the Commissioner may deny the participant
6 benefits in whole or in part under this section.

7 (2) FALSE OR MISLEADING INFORMATION.—If
8 a C-TPAT participant intentionally provides false or
9 misleading information during the validation process
10 of the participant under this section, the Commis-
11 sioner of Customs shall suspend or expel the partici-
12 pant from C-TPAT for a period of not less than 5
13 years.

14 (3) RIGHT OF APPEAL.—A C-TPAT partici-
15 pant may file an appeal with the Secretary of the
16 Commissioner's decision under this subsection to
17 deny benefits or suspend or expel the participant
18 from C-TPAT.

19 (h) REVALIDATION.—The Secretary shall establish a
20 process for revalidating C-TPAT participants under this
21 title. Such revalidation shall occur not less frequently than
22 once during every 4-year period following the initial valida-
23 tion.

24 (i) NON-CONTAINERIZED CARGO.—The Secretary
25 may consider the potential for participation in C-TPAT

1 by importers of non-containerized cargoes that otherwise
2 meet the requirements under this section.

3 (j) STRATEGIC PLAN.—A 5-year Strategic Plan to
4 identify outcome-based goals and performance measures
5 of the Program.

6 (1) ANNUAL PLAN.—An annual plan for each
7 fiscal year designed to match available resources to
8 the projected workload.

9 (2) RESOURCE MANAGEMENT STAFFING
10 PLAN.—The Commissioner shall—

11 (A) develop a staffing plan to recruit,
12 train, and retain staff (including a formalized
13 training program) to meet the objectives identi-
14 fied in the strategic plan;

15 (B) conduct a study of the Program's
16 training needs and develop a comprehensive
17 training program to support the certification,
18 validation, and revalidation processes of the
19 Program; and

20 (C) provide cross-training in post-incident
21 trade resumption for personnel engaged in the
22 Program.

23 (k) ADDITIONAL PERSONNEL.—In each of the fiscal
24 years 2007 through 2009, the Secretary shall increase by
25 not less than 50 (over the previous fiscal year) the number

1 of positions for validation and revalidation activities of the
2 C-TPAT, and shall provide appropriate training and sup-
3 port for the positions.

4 (l) CONFIDENTIAL INFORMATION SAFEGUARDS.—In
5 consultation with COAC, the Commissioner shall develop
6 and implement procedures to ensure the protection of con-
7 fidential data collected, stored, or shared with government
8 agencies or as part of the application, validation, or re-
9 validation. The procedures shall include—

10 (1) measures for protecting data shared with
11 any government agency;

12 (2) measures for providing a secure system for
13 document storage accessible only to the appropriate
14 personnel;

15 (3) measures for storing all electronic files in a
16 manner that prevents theft, copying, or deletion; and

17 (4) measures for labeling all records to clearly
18 mark what is considered confidential or a trade se-
19 cret.

20 (m) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated \$75,000,000 for each
22 of the fiscal years 2007 through 2009 to carry out this
23 section.

1 **SEC. 3124. TECHNICAL REQUIREMENTS FOR NON-INTRU-**
2 **SIVE INSPECTION EQUIPMENT.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Director of the Do-
5 mestic Nuclear Detection Office, in consultation with the
6 Director of the National Institute of Science and Tech-
7 nology and the Commissioner of Customs, shall initiate
8 a rulemaking—

9 (1) to establish minimum technical require-
10 ments for the capabilities of non-intrusive inspection
11 equipment for cargo, including imaging and radi-
12 ation devices; and

13 (2) to ensure that all equipment used can detect
14 risks and threats as determined appropriate by the
15 Secretary.

16 (b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In
17 establishing such requirements, the Director of the Do-
18 mestic Nuclear Detection Office shall be careful to avoid
19 the endorsement of products associated with specific com-
20 panies.

21 (c) FINAL RULE DEADLINE.—The Director of the
22 Domestic Nuclear Detection Office shall issue a final rule
23 under subsection (a) not later than 1 year after the rule-
24 making proceeding is initiated.

1 **SEC. 3125. RANDOM INSPECTION OF CONTAINERS.**

2 Not later than 1 year after the date of the enactment
 3 of this Act, the Commissioner of Customs shall develop
 4 and implement a plan, utilizing best practices for empir-
 5 ical scientific research design and random sampling stand-
 6 ards for random physical inspection of shipping containers
 7 in addition to any targeted or pre-shipment inspection of
 8 such containers required by law or regulation or conducted
 9 under any other program conducted by the Commissioner.
 10 Nothing in this section shall be construed to mean that
 11 implementation of the random sampling plan would pre-
 12 clude the additional physical inspection of shipping con-
 13 tainers not inspected pursuant to the plan.

14 **SEC. 3126. INTERNATIONAL TRADE DATA SYSTEM.**

15 (a) IN GENERAL.—Section 411 of the Tariff Act of
 16 1930 (19 U.S.C. 1411) is amended by adding at the end
 17 the following new subsections:

18 “(d) INTERNATIONAL TRADE DATA SYSTEM.—

19 “(1) ESTABLISHMENT.—

20 “(A) IN GENERAL.—The Secretary of the
 21 Treasury (in this section, referred to as the
 22 ‘Secretary’) shall oversee the establishment of
 23 an electronic trade data interchange system to
 24 be known as the ‘International Trade Data Sys-
 25 tem’ (ITDS). The ITDS shall be implemented
 26 not later than the date that the Automated

1 Commercial Environment (commonly referred
2 to as ‘ACE’) is implemented.

3 “(B) PURPOSE.—The purpose of the ITDS
4 is to eliminate redundant information require-
5 ments, to efficiently regulate the flow of com-
6 merce, and to effectively enforce laws and regu-
7 lations relating to international trade, by estab-
8 lishing a single portal system, operated by the
9 United States Customs and Border Protection,
10 for the collection and distribution of standard
11 electronic import and export data required by
12 all Federal agencies.

13 “(C) PARTICIPATION.—

14 “(i) IN GENERAL.—All Federal agen-
15 cies that require documentation for clear-
16 ing or licensing the importation and expor-
17 tation of cargo shall participate in the
18 ITDS.

19 “(ii) WAIVER.—The Director of the
20 Office of Management and Budget may
21 waive, in whole or in part, the requirement
22 for participation for any Federal agency
23 based on national security.

24 “(D) CONSULTATION.—The Secretary
25 shall consult with and assist agencies in the

1 transition from paper to electronic format for
2 the submission, issuance, and storage of docu-
3 ments relating to data required to enter cargo
4 into the United States.

5 “(2) DATA ELEMENTS.—

6 “(A) IN GENERAL.—The Interagency
7 Steering Committee established under para-
8 graph (3) shall, in consultation with the agen-
9 cies participating in the ITDS, define the
10 standard set of data elements to be collected,
11 stored, and shared in the ITDS. The Steering
12 Committee shall periodically review the data
13 elements in order to update the data elements,
14 as necessary.

15 “(B) HARMONIZATION.—The Interagency
16 Steering Committee shall ensure that the ITDS
17 data requirements are compatible with the com-
18 mitments or obligations established by the
19 World Customs Organization (WCO) and the
20 World Trade Organization (WTO) for the entry
21 of cargo.

22 “(C) COORDINATION.—The Secretary of
23 the Treasury shall be responsible for coordi-
24 nating operation of the ITDS among the par-
25 ticipating agencies and the office within the

1 United States Customs and Border Protection
2 that is responsible for maintaining the ITDS.

3 “(3) STEERING COMMITTEE.—There is estab-
4 lished an Interagency Steering Committee. The
5 members of the committee shall include the Sec-
6 retary of the Treasury (who shall serve as the chair-
7 person of the committee), the Director of the Office
8 of Management and Budget, and the head of each
9 agency participating in the ITDS. The Steering
10 Committee shall assist the Secretary of the Treasury
11 in overseeing the implementation of, and participa-
12 tion in, the ITDS.

13 “(4) REPORT.—The Steering Committee shall
14 submit a report annually to the Committee on Fi-
15 nance of the Senate and the Committee on Ways
16 and Means of the House of Representatives. Each
17 report shall include information on—

18 “(A) the status of the ITDS implementa-
19 tion;

20 “(B) the extent of participation in the
21 ITDS by Federal agencies;

22 “(C) the remaining barriers to any agen-
23 cy’s participation;

24 “(D) the extent to which the ITDS is con-
25 sistent with applicable standards established by

1 the World Customs Organization and the World
2 Trade Organization;

3 “(E) recommendations for technological
4 and other improvements to the ITDS; and

5 “(F) the status of the Bureau’s develop-
6 ment, implementation, and management of the
7 Automated Commercial Environment.

8 “(e) TREASURY OVERSIGHT.—The Secretary of the
9 Treasury shall ensure that no fewer than 5 full-time
10 equivalents in the Office of Tax, Trade, and Tariff Policy
11 are available—

12 “(1) to carry out oversight of the customs rev-
13 enue functions delegated to the Secretary of Home-
14 land Security pursuant to section 412 of the Home-
15 land Security Act of 2002 (6 U.S.C. 212); and

16 “(2) to carry out oversight of the International
17 Trade Data System established under this section.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated for each of the fiscal
20 years 2007, 2008, and 2009, \$750,000 for salaries and
21 expenses required to carry out subsection (e).”.

22 **TITLE XXXII—RAIL SECURITY**

23 **SEC. 3201. SHORT TITLE.**

24 This title may be cited as the “Rail Security Act of
25 2006”.

1 **SEC. 3202. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
2 **MENT.**

3 (a) IN GENERAL.—

4 (1) VULNERABILITY AND RISK ASSESSMENT.—

5 The Secretary of Homeland Security shall establish
6 a task force, consisting of representatives of the
7 Transportation Security Administration, the Depart-
8 ment of Transportation, and other appropriate Fed-
9 eral agencies, which shall complete a vulnerability
10 and risk assessment of freight and passenger rail
11 transportation (including railroads, as that term is
12 defined in section 20102(1) of title 49, United
13 States Code). The assessment shall include—

14 (A) a methodology for conducting the risk
15 assessment, including timelines, that addresses
16 how the Secretary of Homeland Security will
17 work with the entities describe in subsection (b)
18 and make use of existing expertise within the
19 Department of Homeland Security, the Depart-
20 ment of Transportation, and other appropriate
21 Federal agencies;

22 (B) the identification and evaluation of
23 critical assets and infrastructures;

24 (C) the identification of vulnerabilities and
25 risks to those assets and infrastructures;

1 (D) the identification of vulnerabilities and
2 risks that are specific to the transportation of
3 hazardous materials by railroad;

4 (E) the identification of security weak-
5 nesses in passenger and cargo security, trans-
6 portation infrastructure, protection systems,
7 procedural policies, communications systems,
8 employee training, emergency response plan-
9 ning, and any other area identified by the as-
10 sessment; and

11 (F) an account of actions taken or planned
12 by public and private entities to address identi-
13 fied rail security issues and assess the effective
14 integration of such actions.

15 (2) RECOMMENDATIONS.—Based on the assess-
16 ment conducted under paragraph (1), the Secretary
17 of Homeland Security, in consultation with the Sec-
18 retary of Transportation, shall develop prioritized
19 recommendations for improving rail security, includ-
20 ing any recommendations the Secretary has for—

21 (A) improving the security of rail tunnels,
22 rail bridges, rail switching and car storage
23 areas, other rail infrastructure and facilities, in-
24 formation systems, and other areas identified
25 by the Secretary as posing significant rail-re-

1 lated risks to public safety and the movement
2 of interstate commerce, taking into account the
3 impact that any proposed security measure
4 might have on the provision of rail service;

5 (B) deploying equipment to detect explo-
6 sives and hazardous chemical, biological, and
7 radioactive substances, and any appropriate
8 countermeasures;

9 (C) training appropriate railroad or rail-
10 road shipper employees in terrorism prevention,
11 passenger evacuation, and response activities;

12 (D) conducting public outreach campaigns
13 on passenger railroads;

14 (E) deploying surveillance equipment; and

15 (F) identifying the immediate and long-
16 term costs of measures that may be required to
17 address those risks.

18 (3) PLANS.—The report required under sub-
19 section (c) shall include—

20 (A) a plan, developed in consultation with
21 the freight and intercity passenger railroads
22 and State and local governments, for the Fed-
23 eral Government to provide increased security
24 support at high or severe threat levels of alert;

1 (B) a plan for coordinating existing and
2 planned rail security initiatives undertaken by
3 the public and private sectors; and

4 (C) a contingency plan, developed in con-
5 junction with freight and intercity and com-
6 muter passenger railroads, to ensure the contin-
7 ued movement of freight and passengers in the
8 event of an attack affecting the railroad system,
9 which shall contemplate—

10 (i) the possibility of rerouting traffic
11 due to the loss of critical infrastructure,
12 such as a bridge, tunnel, yard, or station;
13 and

14 (ii) methods of continuing railroad
15 service in the Northeast Corridor in the
16 event of a commercial power loss, or catas-
17 trophe affecting a critical bridge, tunnel,
18 yard, or station.

19 (b) CONSULTATION; USE OF EXISTING RE-
20 SOURCES.—In carrying out the assessment and developing
21 the recommendations and plans required by subsection
22 (a), the Secretary of Homeland Security shall consult with
23 rail management, rail labor, owners or lessors of rail cars
24 used to transport hazardous materials, first responders,

1 shippers of hazardous materials, public safety officials,
2 and other relevant parties.

3 (c) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary shall submit
5 a report to the Committee on Commerce, Science, and
6 Transportation of the Senate, the Committee on Trans-
7 portation and Infrastructure of the House of Representa-
8 tives, and the Committee on Homeland Security of the
9 House of Representatives. The report shall contain the as-
10 sessment, prioritized recommendations, and plans required
11 under subsection (a) and an estimate of the cost to imple-
12 ment such recommendations. The Secretary may submit
13 the report in both classified and redacted formats if the
14 Secretary determines that such action is appropriate or
15 necessary.

16 (d) ANNUAL UPDATES.—The Secretary of Homeland
17 Security, in consultation with the Secretary of Transpor-
18 tation, shall update the assessment and recommendations
19 each year and transmit a report, which may be submitted
20 in both classified and redacted formats, to the committees
21 named in subsection (c)(1), containing the updated assess-
22 ment and recommendations.

23 (e) FUNDING.—From the funds appropriated for fis-
24 cal year 2007, pursuant to section 114(u) of title 49,
25 United States Code (as added by section 3217(a)),

1 \$5,000,000 shall be made available to the Secretary of
2 Homeland Security to carry out this section.

3 **SEC. 3203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec-
5 retary of Homeland Security, in consultation with the As-
6 sistant Secretary of the Transportation Security Adminis-
7 tration, may award grants to Amtrak—

8 (1) to secure major tunnel access points and en-
9 sure tunnel integrity in New York, Baltimore, and
10 Washington, D.C.;

11 (2) to secure Amtrak trains;

12 (3) to secure Amtrak stations;

13 (4) to obtain a watch list identification system
14 approved by the Secretary;

15 (5) to obtain train tracking and interoperable
16 communications systems that are coordinated to the
17 maximum extent possible;

18 (6) to hire additional police and security offi-
19 cers, including canine units;

20 (7) to expand emergency preparedness efforts;
21 and

22 (8) for employee security training.

23 (b) CONDITIONS.—The Secretary of Transportation
24 shall disburse funds provided to Amtrak under subsection

25 (a) for projects contained in an Amtrak systemwide secu-

1 rity plan approved by the Secretary of Homeland Security.
2 The plan shall include appropriate measures to address
3 security awareness, emergency response, and passenger
4 evacuation training.

5 (c) **EQUITABLE GEOGRAPHIC ALLOCATION.**—The
6 Secretary of Homeland Security shall ensure that, subject
7 to meeting the highest security needs on Amtrak’s entire
8 system and consistent with the risk assessment required
9 under section 3202, stations and facilities located outside
10 of the Northeast Corridor receive an equitable share of
11 the security funds authorized by this section.

12 (d) **FUNDING.**—

13 (1) **IN GENERAL.**—From the funds appro-
14 priated pursuant to section 114(u) of title 49,
15 United States Code (as added by section 3217(a)),
16 there shall be made available to the Secretary of
17 Homeland Security and the Assistant Secretary of
18 the Transportation Security Administration to carry
19 out this section—

20 (A) \$63,500,000 for fiscal year 2007;

21 (B) \$30,000,000 for fiscal year 2008; and

22 (C) \$30,000,000 for fiscal year 2009.

23 (2) **AVAILABILITY.**—Amounts appropriated pur-
24 suant to this subsection shall remain available until
25 expended.

1 **SEC. 3204. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

2 (a) LIFE-SAFETY NEEDS.—The Secretary of Trans-
3 portation, in consultation with the Secretary of Homeland
4 Security, may award grants to Amtrak for fire and life-
5 safety improvements to Amtrak tunnels on the Northeast
6 Corridor in New York, Baltimore, and Washington, D.C.

7 (b) FUNDING.—From the funds appropriated pursu-
8 ant to section 3217(b), there shall be made available to
9 the Secretary of Transportation for the purposes of car-
10 rying out subsection (a)—

11 (1) \$190,000,000 for each of the fiscal years
12 2007, 2008, and 2009 for the 6 New York tunnels
13 to provide ventilation, electrical, and fire safety tech-
14 nology upgrades, emergency communication and
15 lighting systems, and emergency access and egress
16 for passengers;

17 (2) \$19,000,000 for each of the fiscal years
18 2007, 2008, and 2009 for the Baltimore & Potomac
19 and Union tunnels, to provide adequate drainage,
20 ventilation, communication, lighting, and passenger
21 egress upgrades; and

22 (3) \$13,333,000 for each of the fiscal years
23 2007, 2008, and 2009 for the Union Station tunnels
24 in Washington, D.C., to improve ventilation, commu-
25 nication, lighting, and passenger egress upgrades.

1 (c) INFRASTRUCTURE UPGRADES.—From the funds
2 appropriated for fiscal year 2007, pursuant to section
3 3217(b), \$3,000,000 shall be made available to the Sec-
4 retary of Transportation for the preliminary design of op-
5 tions for a new tunnel on a different alignment to augment
6 the capacity of the existing Baltimore tunnels.

7 (d) AVAILABILITY OF FUNDS.—Amounts made avail-
8 able pursuant to this section shall remain available until
9 expended.

10 (e) PLANS REQUIRED.—The Secretary of Transpor-
11 tation may not make amounts available to Amtrak for ob-
12 ligation or expenditure under subsection (a)—

13 (1) until Amtrak has submitted to the Sec-
14 retary, and the Secretary has approved, an engineer-
15 ing and financial plan for such projects; and

16 (2) unless, for each project funded pursuant to
17 this section, the Secretary has approved a project
18 management plan prepared by Amtrak addressing
19 appropriate project budget, construction schedule,
20 recipient staff organization, document control and
21 record keeping, change order procedure, quality con-
22 trol and assurance, periodic plan updates, and peri-
23 odic status reports.

24 (f) REVIEW OF PLANS.—

1 (1) INITIAL REVIEW.—Not later than 45 days
2 after the date on which a plan required by para-
3 graphs (1) and (2) of subsection (e) is submitted by
4 Amtrak, the Secretary of Transportation shall com-
5 plete a review of the plan and approve or disapprove
6 the plan. If the Secretary determines that a plan is
7 incomplete or deficient, the Secretary shall notify
8 Amtrak of the incomplete items or deficiencies.

9 (2) SUBMISSION OF MODIFIED PLAN.—Not
10 later than 30 days after receiving notification from
11 the Secretary under paragraph (1), Amtrak shall
12 submit a modified plan for the Secretary's review.

13 (3) REVIEW OF MODIFIED PLAN.—Not later
14 than 15 days after receiving additional information
15 on items previously included in the plan, and not
16 later than 45 days after receiving items newly in-
17 cluded in a modified plan, the Secretary shall—

18 (A) approve the modified plan; or

19 (B) if the Secretary finds the plan is still
20 incomplete or deficient—

21 (i) submit a report to the Committee
22 on Commerce, Science, and Transportation
23 of the Senate, the Committee on Transpor-
24 tation and Infrastructure of the House of
25 Representatives, and the Committee on

1 Homeland Security of the House of Rep-
2 resentatives that describes the portions of
3 the plan the Secretary finds incomplete or
4 deficient;

5 (ii) approve all other portions of the
6 plan; and

7 (iii) obligate the funds associated with
8 those other portions.

9 (4) AGREEMENT.—Not later than 15 days after
10 the partial approval of a modified plan under para-
11 graph (3), the Secretary shall execute an agreement
12 with Amtrak that describes a process for resolving
13 the remaining portions of the modified plan.

14 (g) FINANCIAL CONTRIBUTION FROM OTHER TUN-
15 NEL USERS.—The Secretary of Transportation, taking
16 into account the need for the timely completion of all por-
17 tions of the tunnel projects described in subsection (a),
18 shall—

19 (1) consider the extent to which rail carriers
20 other than Amtrak use or plan to use the tunnels;

21 (2) consider the feasibility of seeking a financial
22 contribution from those other rail carriers toward
23 the costs of the projects; and

24 (3) obtain financial contributions or commit-
25 ments from such other rail carriers at levels reflect-

1 ing the extent of their use or planned use of the tun-
2 nels, if feasible.

3 **SEC. 3205. FREIGHT AND PASSENGER RAIL SECURITY UP-**
4 **GRADES.**

5 (a) SECURITY IMPROVEMENT GRANTS.—The Sec-
6 retary of Homeland Security, through the Assistant Sec-
7 retary of the Transportation Security Administration and
8 other appropriate Federal agencies, may award grants to
9 freight railroads, the Alaska Railroad, hazardous mate-
10 rials shippers, owners of rail cars used in the transpor-
11 tation of hazardous materials, universities, colleges, re-
12 search centers, and State and local governments (for rail
13 passenger facilities and infrastructure not owned by Am-
14 trak), for full or partial reimbursement of costs incurred
15 in the conduct of activities to prevent or respond to acts
16 of terrorism, sabotage, or other intercity passenger rail
17 and freight rail security vulnerabilities and risks identified
18 under section 3202, including—

19 (1) security and redundancy for critical commu-
20 nications, computer, and train control systems essen-
21 tial for secure rail operations;

22 (2) accommodation of rail cargo or passenger
23 screening equipment at the international border be-
24 tween the United States and Mexico, the inter-

1 national border between the United States and Can-
2 ada, or other ports of entry;

3 (3) the security of hazardous material transpor-
4 tation by rail;

5 (4) secure intercity passenger rail stations,
6 trains, and infrastructure;

7 (5) structural modification or replacement of
8 rail cars transporting high hazard materials to im-
9 prove their resistance to acts of terrorism;

10 (6) employee security awareness, preparedness,
11 passenger evacuation, and emergency response train-
12 ing;

13 (7) public security awareness campaigns for
14 passenger train operations;

15 (8) the sharing of intelligence and information
16 about security threats;

17 (9) to obtain train tracking and interoperable
18 communications systems that are coordinated to the
19 maximum extent possible;

20 (10) to hire additional police and security offi-
21 cers, including canine units; and

22 (11) other improvements recommended by the
23 report required by section 3202, including infra-
24 structure, facilities, and equipment upgrades.

1 (b) GRANTS TO AMTRAK.—The Secretary of Home-
2 land Security, through the Secretary of Transportation,
3 may award grants to Amtrak for the purposes described
4 in subsection (a).

5 (c) ACCOUNTABILITY.—The Secretary of Homeland
6 Security shall adopt necessary procedures, including au-
7 dits, to ensure that grants made under this section are
8 expended in accordance with the purposes of this Act and
9 the priorities and other criteria developed by the Sec-
10 retary.

11 (d) ALLOCATION.—The Secretary of Homeland Secu-
12 rity shall distribute the funds made available under this
13 section based on risk and vulnerability as determined
14 under section 3202. The Secretary shall encourage non-
15 Federal financial participation in awarding grants. With
16 respect to grants for intercity passenger rail security, the
17 Secretary shall take into account passenger volume and
18 whether a station is used by commuter rail passengers and
19 intercity rail passengers.

20 (e) CONDITIONS.—The Secretary of Transportation
21 may not disburse funds to Amtrak under subsection (b)
22 unless Amtrak meets the conditions set forth in section
23 3203(b).

24 (f) ALLOCATION BETWEEN RAILROADS AND OTH-
25 ERS.—Unless the Secretary of Homeland Security deter-

1 mines, based on the assessment required under section
2 3202, that critical rail transportation security needs re-
3 quire reimbursement in greater amounts to any eligible
4 entity, a grant may not be awarded under this section—

5 (1) to Amtrak in an amount in excess of
6 \$45,000,000; or

7 (2) for the purposes described in paragraph (3)
8 or (5) of subsection (a) in an amount in excess of
9 \$80,000,000.

10 (g) FUNDING.—

11 (1) IN GENERAL.—From the funds appro-
12 priated pursuant to section 114(u) of title 49,
13 United States Code (as added by section 3217(a)),
14 \$100,000,000 shall be made available to the Sec-
15 retary of Homeland Security for each of the fiscal
16 years 2007, 2008, and 2009 to carry out this sec-
17 tion.

18 (2) AVAILABILITY.—Amounts appropriated pur-
19 suant to this subsection shall remain available until
20 expended.

21 (h) HIGH HAZARD MATERIALS DEFINED.—In this
22 title, the term “high hazard materials” means quantities
23 of poison inhalation hazard materials, Class 2.3 gases,
24 Class 6.1 materials, and anhydrous ammonia that the Sec-

1 retary of Homeland Security, in consultation with the Sec-
2 retary of Transportation, determines pose a security risk.

3 **SEC. 3206. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

4 (a) ESTABLISHMENT OF RESEARCH AND DEVELOP-
5 MENT PROGRAM.—The Secretary of Homeland Security,
6 through the Under Secretary for Science and Technology
7 and the Assistant Secretary of the Transportation Secu-
8 rity Administration, in consultation with the Secretary of
9 Transportation shall carry out a research and development
10 program to improve freight and intercity passenger rail
11 security. The program may include research and develop-
12 ment projects to—

13 (1) reduce the vulnerability of passenger trains,
14 stations, and equipment to explosives and hazardous
15 chemical, biological, and radioactive substances;

16 (2) test new emergency response techniques and
17 technologies;

18 (3) develop improved freight technologies, in-
19 cluding—

20 (A) technologies for sealing rail cars;

21 (B) automatic inspection of rail cars;

22 (C) communication-based train controls;

23 and

24 (D) emergency response training;

1 (4) test wayside detectors that can detect tam-
2 pering with railroad equipment;

3 (5) support enhanced security for the transpor-
4 tation of hazardous materials by rail, including—

5 (A) technologies to detect a breach in a
6 tank car or other rail car used to transport haz-
7 ardous materials and transmit information
8 about the integrity of cars to the train crew or
9 dispatcher;

10 (B) research to improve tank car integrity,
11 with a focus on tank cars that carry high haz-
12 ard materials; and

13 (C) techniques to transfer hazardous mate-
14 rials from rail cars that are damaged or other-
15 wise represent an unreasonable risk to human
16 life or public safety; and

17 (6) other projects that address vulnerabilities
18 and risks identified under section 3202.

19 (b) COORDINATION WITH OTHER RESEARCH INITIA-
20 TIVES.—The Secretary of Homeland Security shall ensure
21 that the research and development program established
22 under this section is coordinated with other research and
23 development initiatives at the Department of Homeland
24 Security and the Department of Transportation. The Sec-
25 retary shall carry out any research and development

1 project authorized by this section through a reimbursable
2 agreement with the Secretary of Transportation, if the
3 Secretary of Transportation—

4 (1) is sponsoring a research and development
5 project in a similar area as of the date of the enact-
6 ment of this Act; or

7 (2) has a unique facility or capability that
8 would be useful in carrying out the project.

9 (c) GRANTS AND ACCOUNTABILITY.—In carrying out
10 the research and development program established under
11 this section, the Secretary of Homeland Security—

12 (1) may award grants to the entities described
13 in subsections (a) and (b) of section 3205; and

14 (2) shall adopt necessary procedures, including
15 audits, to ensure that grant funds disbursed under
16 this section are expended in accordance with the
17 purposes of this title and the priorities and other cri-
18 teria developed by the Secretary.

19 (d) FUNDING.—

20 (1) IN GENERAL.—From the funds appro-
21 priated pursuant to section 114(u) of title 49,
22 United States Code (as added by section 3217(a)),
23 \$35,000,000 shall be made available to the Sec-
24 retary of Homeland Security for each of the fiscal

1 years 2007, 2008, and 2009 to carry out this sec-
2 tion.

3 (2) AVAILABILITY.—Amounts appropriated pur-
4 suant to this subsection shall remain available until
5 expended.

6 **SEC. 3207. OVERSIGHT AND GRANT PROCEDURES.**

7 (a) SECRETARIAL OVERSIGHT.—The Secretary of
8 Homeland Security may expend not more than 0.5 percent
9 of the amounts made available for capital projects under
10 this title—

11 (1) to enter into contracts for the review of pro-
12 posed capital projects and related program manage-
13 ment plans;

14 (2) to oversee construction of such projects; and

15 (3) to make contracts to audit and review the
16 safety, procurement, management, and financial
17 compliance of a recipient of amounts under this title.

18 (b) PROCEDURES FOR GRANT AWARD.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the date of the enactment of this Act, the Secretary
21 shall prescribe procedures and schedules for the
22 awarding of grants under this title, including—

23 (A) application and qualification proce-
24 dures (including a requirement that the appli-
25 cant have a security plan);

1 (B) a record of decision on applicant eligi-
2 bility; and

3 (C) the execution of a grant agreement be-
4 tween the grant recipient and the Secretary.

5 (2) CONSISTENCY.—The procedures prescribed
6 under this subsection shall be consistent, to the ex-
7 tent practicable, with the grant procedures estab-
8 lished under section 70107 of title 46, United States
9 Code.

10 **SEC. 3208. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
11 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
12 **CIDENTS.**

13 (a) IN GENERAL.—Chapter 243 of title 49, United
14 States Code, is amended by inserting after section 24313
15 the following:

16 **“§ 24314. Plans to address needs of families of pas-**
17 **sengers involved in rail passenger acci-**
18 **dents**

19 “(a) SUBMISSION OF PLAN.—Not later than 6
20 months after the date of the enactment of the Rail Secu-
21 rity Act of 2006, Amtrak shall submit a plan to the Chair-
22 man of the National Transportation Safety Board, the
23 Secretary of Transportation, and the Secretary of Home-
24 land Security that addresses the needs of the families of
25 passengers involved in any rail passenger accident involv-

1 ing an Amtrak intercity train and resulting in a loss of
2 life.

3 “(b) CONTENTS OF PLANS.—The plan submitted by
4 Amtrak under subsection (a) shall include the following:

5 “(1) A process by which Amtrak will maintain
6 and provide to the National Transportation Safety
7 Board and the Secretary of Transportation, imme-
8 diately upon request, a list (which is based on the
9 best available information at the time of the request)
10 of the names of the passengers aboard the train
11 (whether or not such names have been verified), and
12 will periodically update the list. The plan shall in-
13 clude a procedure, with respect to unreserved trains
14 and passengers not holding reservations on other
15 trains, for Amtrak to use reasonable efforts to ascer-
16 tain the number and names of passengers aboard a
17 train involved in an accident.

18 “(2) A plan for creating and publicizing a reli-
19 able, toll-free telephone number not later than 4
20 hours after such an accident occurs, and for pro-
21 viding staff, to handle calls from the families of the
22 passengers.

23 “(3) A process for notifying the families of the
24 passengers, before providing any public notice of the

1 names of the passengers, by suitably trained individ-
2 uals.

3 “(4) A process for providing the notice de-
4 scribed in paragraph (2) to the family of a pas-
5 senger as soon as Amtrak has verified that the pas-
6 senger was aboard the train (whether or not the
7 names of all of the passengers have been verified).

8 “(5) A process by which—

9 “(A) the family of each passenger will be
10 consulted about the disposition of all remains
11 and personal effects of the passenger within
12 Amtrak’s control;

13 “(B) any possession of the passenger with-
14 in Amtrak’s control will be returned to the fam-
15 ily unless the possession is needed for the acci-
16 dent investigation or any criminal investigation;
17 and

18 “(C) any unclaimed possession of a pas-
19 senger within Amtrak’s control will be retained
20 by the rail passenger carrier for not less than
21 18 months.

22 “(6) A process by which the treatment of the
23 families of nonrevenue passengers will be the same
24 as the treatment of the families of revenue pas-
25 sengers.

1 “(7) An assurance that Amtrak will provide
2 adequate training to its employees and agents to
3 meet the needs of survivors and family members fol-
4 lowing an accident.

5 “(c) USE OF INFORMATION.—The National Trans-
6 portation Safety Board, the Secretary of Transportation,
7 and Amtrak may not release any personal information on
8 a list obtained under subsection (b)(1) but may provide
9 information on the list about a passenger to the family
10 of the passenger to the extent that the Board or Amtrak
11 considers appropriate.

12 “(d) LIMITATION ON LIABILITY.—Amtrak shall not
13 be liable for damages in any action brought in a Federal
14 or State court arising out of the performance of Amtrak
15 in preparing or providing a passenger list, or in providing
16 information concerning a train reservation, pursuant to a
17 plan submitted by Amtrak under subsection (b), unless
18 such liability was caused by Amtrak’s conduct.

19 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
20 Nothing in this section may be construed as limiting the
21 actions that Amtrak may take, or the obligations that Am-
22 trak may have, in providing assistance to the families of
23 passengers involved in a rail passenger accident.

24 “(f) FUNDING.—From the funds appropriated for fis-
25 cal year 2007 pursuant to section 3217(b) of the Rail Se-

1 curity Act of 2006, \$500,000 shall be made available to
2 the Secretary of Transportation for the use of Amtrak to
3 carry out this section. Amounts made available under this
4 subsection shall remain available until expended.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 243 of title 49, United States Code, is
7 amended by inserting after the item relating to section
8 24313 the following:

“24314. Plan to assist families of passengers involved in rail passenger acci-
dents.”.

9 **SEC. 3209. NORTHERN BORDER RAIL PASSENGER REPORT.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Secretary of Homeland Security, in
12 consultation with the Assistant Secretary of the Transpor-
13 tation Security Administration, the Secretary of Transpor-
14 tation, heads of other appropriate Federal agencies, and
15 the National Railroad Passenger Corporation, shall submit
16 a report to the Committee on Commerce, Science, and
17 Transportation of the Senate, the Committee on Trans-
18 portation and Infrastructure of the House of Representa-
19 tives, and the Committee on Homeland Security of the
20 House of Representatives that contains—

21 (1) a description of the current system for
22 screening passengers and baggage on passenger rail
23 service between the United States and Canada;

1 (2) an assessment of the current program to
2 provide preclearance of airline passengers between
3 the United States and Canada as outlined in “The
4 Agreement on Air Transport Preclearance between
5 the Government of Canada and the Government of
6 the United States of America”, dated January 18,
7 2001;

8 (3) an assessment of the current program to
9 provide preclearance of freight railroad traffic be-
10 tween the United States and Canada as outlined in
11 the “Declaration of Principle for the Improved Secu-
12 rity of Rail Shipments by Canadian National Rail-
13 way and Canadian Pacific Railway from Canada to
14 the United States”, dated April 2, 2003;

15 (4) information on progress by the Department
16 of Homeland Security and other Federal agencies to-
17 wards finalizing a bilateral protocol with Canada
18 that would provide for preclearance of passengers on
19 trains operating between the United States and Can-
20 ada;

21 (5) a description of legislative, regulatory,
22 budgetary, or policy barriers within the United
23 States Government to providing pre-screened pas-
24 senger lists for rail passengers traveling between the

1 United States and Canada to the Department of
2 Homeland Security;

3 (6) a description of the position of the Govern-
4 ment of Canada and relevant Canadian agencies
5 with respect to preclearance of such passengers;

6 (7) a draft of any changes in existing Federal
7 law necessary to provide for pre-screening of such
8 passengers and providing pre-screened passenger
9 lists to the Department of Homeland Security; and

10 (8) an analysis of the feasibility of reinstating
11 in-transit inspections onboard international Amtrak
12 trains.

13 **SEC. 3210. RAIL WORKER SECURITY TRAINING PROGRAM.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary of Home-
16 land Security and the Secretary of Transportation, in con-
17 sultation with appropriate law enforcement, security, and
18 terrorism experts, representatives of railroad carriers, and
19 nonprofit employee organizations that represent rail work-
20 ers, shall develop and issue detailed guidance for a rail
21 worker security training program to prepare front-line
22 workers for potential threat conditions. The guidance shall
23 take into consideration any current security training re-
24 quirements or best practices.

1 (b) PROGRAM ELEMENTS.—The guidance developed
2 under subsection (a) shall include elements, as appropriate
3 to passenger and freight rail service, that address—

4 (1) the determination of the seriousness of any
5 occurrence;

6 (2) crew communication and coordination;

7 (3) appropriate responses to defend or protect
8 oneself;

9 (4) use of protective devices;

10 (5) evacuation procedures;

11 (6) psychology of terrorists to cope with hi-
12 jacker behavior and passenger responses;

13 (7) situational training exercises regarding var-
14 ious threat conditions; and

15 (8) any other subject the Secretary considers to
16 be appropriate.

17 (c) RAILROAD CARRIER SECURITY TRAINING PRO-
18 GRAMS.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the Secretary of Homeland Security issues guidance
21 under subsection (a) in final form, each railroad car-
22 rier shall develop a rail worker security training pro-
23 gram in accordance with that guidance and submit
24 it to the Secretary for review.

1 (2) PROGRAM REVIEW.—Not later than 30 days
2 after receiving a railroad carrier’s program under
3 this subsection, the Secretary shall review the pro-
4 gram and transmit comments to the railroad carrier
5 concerning any revisions the Secretary considers
6 necessary for the program to meet the guidance re-
7 quirements.

8 (3) RAILROAD CARRIER RESPONSE.—A railroad
9 carrier shall respond to the Secretary’s comments
10 not later than 30 days after receiving such com-
11 ments.

12 (d) TRAINING.—

13 (1) IMPLEMENTATION.—Not later than 1 year
14 after the Secretary reviews the training program de-
15 veloped by a railroad carrier under this section, the
16 railroad carrier shall complete the training of all
17 front-line workers in accordance with that program.

18 (2) REPORT.—The Secretary shall review im-
19 plementation of the training program of a represent-
20 ative sample of railroad carriers and submit a report
21 to the Committee on Commerce, Science, and Trans-
22 portation of the Senate, the Committee on Transpor-
23 tation and Infrastructure of the House of Represent-
24 atives, and the Committee on Homeland Security of
25 the House of Representatives that contains the num-

1 ber of reviews conducted and the results. The Sec-
2 retary may submit the report in both classified and
3 redacted formats as necessary.

4 (e) UPDATES.—The Secretary shall update the train-
5 ing guidance issued under subsection (a) as appropriate
6 to reflect new or different security threats. Railroad car-
7 riers shall revise their programs accordingly and provide
8 additional training to their front-line workers within a rea-
9 sonable time after the guidance is updated.

10 (f) FRONT-LINE WORKERS DEFINED.—In this sec-
11 tion, the term “front-line workers” means security per-
12 sonnel, dispatchers, train operators, other onboard em-
13 ployees, maintenance and maintenance support personnel,
14 bridge tenders, as well as other appropriate employees of
15 railroad carriers, as defined by the Secretary.

16 (g) OTHER EMPLOYEES.—The Secretary of Home-
17 land Security shall issue guidance and best practices for
18 a rail shipper employee security program containing the
19 elements listed under subsection (b), as appropriate.

20 **SEC. 3211. WHISTLEBLOWER PROTECTION PROGRAM.**

21 (a) IN GENERAL.—Subchapter A of chapter 201 of
22 title 49, United States Code, is amended by inserting after
23 section 20115 the following:

1 **“§ 20116. Whistleblower protection for rail security**
2 **matters**

3 “(a) DISCRIMINATION AGAINST EMPLOYEE.—A rail
4 carrier engaged in interstate or foreign commerce may not
5 discharge a railroad employee or otherwise discriminate
6 against a railroad employee because the employee (or any
7 person acting pursuant to a request of the employee)—

8 “(1) provided, caused to be provided, or is
9 about to provide or cause to be provided, to the em-
10 ployer or the Federal Government information relat-
11 ing to a reasonably perceived threat, in good faith,
12 to security;

13 “(2) provided, caused to be provided, or is
14 about to provide or cause to be provided, testimony
15 before Congress or at any Federal or State pro-
16 ceeding regarding a reasonably perceived threat, in
17 good faith, to security; or

18 “(3) refused to violate or assist in the violation
19 of any law, rule or regulation related to rail security.

20 “(b) DISPUTE RESOLUTION.—

21 “(1) IN GENERAL.—A dispute, grievance, or
22 claim arising under this section is subject to resolu-
23 tion under section 3 of the Railway Labor Act (45
24 U.S.C. 153). In a proceeding by the National Rail-
25 road Adjustment Board, a division or delegate of the
26 Board, or another board of adjustment established

1 under section 3 of such Act to resolve the dispute,
2 grievance, or claim the proceeding shall be expedited
3 and the dispute, grievance, or claim shall be resolved
4 not later than 180 days after it is filed.

5 “(2) DAMAGES.—If the violation is a form of
6 discrimination that does not involve discharge, sus-
7 pension, or another action affecting pay, and no
8 other remedy is available under this subsection, the
9 Board, division, delegate, or other board of adjust-
10 ment may award the employee reasonable damages,
11 including punitive damages, of not more than
12 \$20,000.

13 “(c) PROCEDURAL REQUIREMENTS.—Except as pro-
14 vided in subsection (b), the procedure set forth in section
15 42121(b)(2)(B), including the burdens of proof, applies to
16 any complaint brought under this section.

17 “(d) ELECTION OF REMEDIES.—An employee of a
18 railroad carrier may not seek protection under both this
19 section and another provision of law for the same allegedly
20 unlawful act of the carrier.

21 “(e) DISCLOSURE OF IDENTITY.—(1) Except as pro-
22 vided in paragraph (2) of this subsection, or with the writ-
23 ten consent of the employee, the Secretary of Transpor-
24 tation may not disclose the name of an employee of a rail-

1 road carrier who has provided information about an al-
2 leged violation of this section.

3 “(2) The Secretary shall disclose to the Attorney
4 General the name of an employee described in paragraph
5 (1) if the matter is referred to the Attorney General for
6 enforcement.”.

7 (b) CONFORMING AMENDMENT.—The chapter anal-
8 ysis for chapter 201 of title 49, United States Code, is
9 amended by inserting after the item relating to section
10 20115 the following:

“20116. Whistleblower protection for rail security matters.”.

11 **SEC. 3212. HIGH HAZARD MATERIAL SECURITY THREAT**
12 **MITIGATION PLANS.**

13 (a) IN GENERAL.—The Secretary of Homeland Secu-
14 rity, in consultation with the Assistant Secretary of the
15 Transportation Security Administration and the Secretary
16 of Transportation, shall require rail carriers transporting
17 a high hazard material and of a quantity equal or exceed-
18 ing the quantities of such material listed in section
19 172.800, title 49, Code of Federal Regulations, to develop
20 a high hazard material security threat mitigation plan
21 containing appropriate measures, including alternative
22 routing and temporary shipment suspension options, to
23 address assessed risks to high consequence targets. The
24 plan, and any information submitted to the Secretary
25 under this section shall be protected as sensitive security

1 information under the regulations prescribed under sec-
2 tion 114(s) of title 49, United States Code.

3 (b) IMPLEMENTATION.—A high hazard material se-
4 curity threat mitigation plan shall be put into effect by
5 a rail carrier for the shipment of high hazardous materials
6 by rail on the rail carrier’s right-of-way when the threat
7 levels of the Homeland Security Advisory System are high
8 or severe and specific intelligence of probable or imminent
9 threat exists towards—

10 (1) a high-consequence target that is within the
11 catastrophic impact zone of a railroad right-of-way
12 used to transport high hazardous material; or

13 (2) rail infrastructure or operations within the
14 immediate vicinity of a high-consequence target.

15 (c) COMPLETION AND REVIEW OF PLANS.—

16 (1) PLANS REQUIRED.—Each rail carrier de-
17 scribed in subsection (a) shall—

18 (A) submit a list of routes used to trans-
19 port high hazard materials to the Secretary of
20 Homeland Security not later than 60 days after
21 the date of the enactment of this Act;

22 (B) develop and submit a high hazard ma-
23 terial security threat mitigation plan to the Sec-
24 retary not later than 180 days after the rail

1 carrier receives the notice of high consequence
2 targets on such routes by the Secretary; and

3 (C) submit any subsequent revisions to the
4 plan to the Secretary not later than 30 days
5 after making the revisions.

6 (2) REVIEW AND UPDATES.—The Secretary of
7 Homeland Security, in cooperation with the Sec-
8 retary of Transportation, shall review each plan de-
9 veloped under this section and submit comments to
10 the railroad carrier concerning any revisions that the
11 Secretary considers to be necessary. A railroad car-
12 rier shall respond to the Secretary’s comments not
13 later than 30 days after receiving such comments.
14 Each rail carrier shall update and resubmit its plan
15 for review not less than once every 2 years.

16 (d) DEFINITIONS.—In this section:

17 (1) HIGH-CONSEQUENCE TARGET.—The term
18 “high-consequence target” means a building, build-
19 ings, infrastructure, public space, or natural re-
20 source designated by the Secretary of Homeland Se-
21 curity that is viable terrorist target of national sig-
22 nificance, the attack of which could result in—

23 (A) catastrophic loss of life; and

24 (B) significantly damaged national security
25 and defense capabilities; or

1 (C) national economic harm.

2 (2) CATASTROPHIC IMPACT ZONE.—The term
3 “catastrophic impact zone” means the area imme-
4 diately adjacent to, under, or above an active rail-
5 road right-of-way used to ship high hazard materials
6 in which the potential release or explosion of the
7 high hazard material being transported would likely
8 cause—

9 (A) loss of life; or

10 (B) significant damage to property or
11 structures.

12 (3) RAIL CARRIER.—The term “rail carrier”
13 has the meaning given that term by section
14 10102(5) of title 49, United States Code.

15 **SEC. 3213. MEMORANDUM OF AGREEMENT.**

16 (a) MEMORANDUM OF AGREEMENT.—Not later than
17 1 year after the date of the enactment of this Act, the
18 Secretary of Transportation and the Secretary of Home-
19 land Security shall execute and develop an annex to the
20 memorandum of agreement between the Department of
21 Transportation and the Department of Homeland Security
22 signed on September 28, 2004, governing the specific
23 roles, delineations of responsibilities, resources and com-
24 mitments of the each department in addressing railroad
25 transportation security matters, including the processes

1 each department will follow to promote communications,
2 efficiency, and nonduplication of effort.

3 (b) RAIL SAFETY REGULATIONS.—Section 20103(a)
4 of title 49, United States Code, is amended by striking
5 “safety” the first place it appears, and inserting “safety,
6 including security,”.

7 **SEC. 3214. RAIL SECURITY ENHANCEMENTS.**

8 (a) RAIL POLICE OFFICERS.—Section 28101 of title
9 49, United States Code, is amended—

10 (1) by inserting “(A) IN GENERAL” before
11 “Under”; and

12 (2) by striking “the rail carrier” each place it
13 appears and inserting “any rail carrier”.

14 (b) REVIEW OF RAIL REGULATIONS.—Not later than
15 1 year after the date of the enactment of this Act, the
16 Secretary of Transportation, in consultation with the Sec-
17 retary of Homeland Security and the Assistant Secretary
18 of the Transportation Security Administration, shall re-
19 view the rail regulations of the Department of Transpor-
20 tation in existence as of the date of the enactment of this
21 Act to identify areas in which such regulations need to
22 be revised to improve rail security.

23 **SEC. 3215. PUBLIC AWARENESS.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary of Home-

1 land Security, in consultation with the Secretary of Trans-
2 portation, shall develop a national plan for public outreach
3 and awareness.

4 (b) CONTENTS.—The plan developed under this sec-
5 tion shall—

6 (1) be designed to increase awareness of meas-
7 ures that the general public, railroad passengers,
8 and railroad employees can take to increase railroad
9 system security; and

10 (2) provide outreach to railroad carriers and
11 their employees to improve their awareness of avail-
12 able technologies, ongoing research and development
13 efforts, and available Federal funding sources to im-
14 prove railroad security.

15 (c) IMPLEMENTATION.—Not later than 9 months
16 after the date of the enactment of this Act, the Secretary
17 of Homeland Security shall implement the plan developed
18 under this section.

19 **SEC. 3216. RAILROAD HIGH HAZARD MATERIAL TRACKING.**

20 (a) WIRELESS COMMUNICATIONS.—

21 (1) IN GENERAL.—In conjunction with the re-
22 search and development program established under
23 section 3206 and consistent with the results of re-
24 search relating to wireless tracking technologies, the
25 Secretary of Homeland Security, in consultation

1 with the Assistant Secretary of the Transportation
2 Security Administration, shall develop a program
3 that will encourage the equipping of rail cars trans-
4 porting high hazard materials in quantities equal to
5 or greater than the quantities listed in section
6 172.800 of title 49, Code of Federal Regulations,
7 with wireless terrestrial or satellite communications
8 technology that provides—

9 (A) car position location and tracking ca-
10 pabilities;

11 (B) notification of rail car depressuriza-
12 tion, breach, or unsafe temperature; and

13 (C) notification of hazardous material re-
14 lease.

15 (2) COORDINATION.—In developing the pro-
16 gram required by paragraph (1), the Secretary
17 shall—

18 (A) consult with the Secretary of Trans-
19 portation to coordinate the program with any
20 ongoing or planned efforts for rail car tracking
21 at the Department of Transportation; and

22 (B) ensure that the program is consistent
23 with recommendations and findings of the De-
24 partment of Homeland Security’s hazardous
25 material tank rail car tracking pilot programs.

1 (b) FUNDING.—From the funds appropriated pursu-
 2 ant to section 114(u) of title 49, United States Code (as
 3 added by section 3217(a)), \$3,000,000 shall be made
 4 available to the Secretary of Homeland Security for each
 5 of the fiscal years 2007, 2008, and 2009 to carry out this
 6 section.

7 **SEC. 3217. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) TRANSPORTATION SECURITY ADMINISTRATION
 9 AUTHORIZATION.—Section 114 of title 49, United States
 10 Code, is amended by adding at the end the following:

11 “(u) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to the Secretary of
 13 Homeland Security for rail security—

14 “(1) \$206,500,000 for fiscal year 2007;

15 “(2) \$168,000,000 for fiscal year 2008; and

16 “(3) \$168,000,000 for fiscal year 2009.”.

17 (b) DEPARTMENT OF TRANSPORTATION.—There are
 18 authorized to be appropriated to the Secretary of Trans-
 19 portation to carry out this title and sections 20116 and
 20 24314 of title 49, United States Code, as added by this
 21 title—

22 (1) \$225,000,000 for fiscal year 2007;

23 (2) \$223,000,000 for fiscal year 2008; and

24 (3) \$223,000,000 for fiscal year 2009.

1 (7) the Federal Government has allocated
2 \$250,000,000 in fiscal years 2003 through 2005 to
3 protect public transportation systems in the United
4 States;

5 (8) the Federal Government has invested \$7.38
6 in aviation security improvements per passenger, but
7 only \$0.007 in public transportation security im-
8 provements per passenger;

9 (9) the Government Accountability Office, the
10 Mineta Institute for Surface Transportation Policy
11 Studies, the American Public Transportation Asso-
12 ciation, and many transportation experts have re-
13 ported an urgent need for significant investment in
14 public transportation security improvements; and

15 (10) the Federal Government has a duty to
16 deter and mitigate, to the greatest extent prac-
17 ticable, threats against the Nation's public transpor-
18 tation systems.

19 **SEC. 3303. SECURITY ASSESSMENTS.**

20 (a) PUBLIC TRANSPORTATION SECURITY ASSESS-
21 MENTS.—

22 (1) SUBMISSION.—Not later than 30 days after
23 the date of the enactment of this Act, the Federal
24 Transit Administration of the Department of Trans-
25 portation shall submit all public transportation secu-

1 rity assessments and all other relevant information
2 to the Secretary of Homeland Security.

3 (2) REVIEW.—Not later than July 31, 2007,
4 the Secretary of Homeland Security shall review and
5 augment the security assessments received under
6 paragraph (1).

7 (3) ALLOCATIONS.—The Secretary of Home-
8 land Security shall use the security assessments re-
9 ceived under paragraph (1) as the basis for allo-
10 cating grant funds under section 3304, unless the
11 Secretary notifies the Committee on Banking, Hous-
12 ing, and Urban Affairs of the Senate that the Sec-
13 retary has determined that an adjustment is nec-
14 essary to respond to an urgent threat or other sig-
15 nificant factors.

16 (4) SECURITY IMPROVEMENT PRIORITIES.—Not
17 later than September 30, 2007, the Secretary of
18 Homeland Security, after consultation with the man-
19 agement and employee representatives of each public
20 transportation system for which a security assess-
21 ment has been received under paragraph (1), shall
22 establish security improvement priorities that will be
23 used by public transportation agencies for any fund-
24 ing provided under section 3304.

1 (5) UPDATES.—Not later than July 31, 2008,
2 and annually thereafter, the Secretary of Homeland
3 Security shall—

4 (A) update the security assessments re-
5 ferred to in this subsection; and

6 (B) conduct security assessments of all
7 public transportation agencies considered to be
8 at greatest risk of a terrorist attack.

9 (b) USE OF SECURITY ASSESSMENT INFORMA-
10 TION.—The Secretary of Homeland Security shall use the
11 information collected under subsection (a)—

12 (1) to establish the process for developing secu-
13 rity guidelines for public transportation security; and

14 (2) to design a security improvement strategy
15 that—

16 (A) minimizes terrorist threats to public
17 transportation systems; and

18 (B) maximizes the efforts of public trans-
19 portation systems to mitigate damage from ter-
20 rorist attacks.

21 (c) BUS AND RURAL PUBLIC TRANSPORTATION SYS-
22 TEMS.—Not later than July 31, 2007, the Secretary of
23 Homeland Security shall conduct security assessments,
24 appropriate to the size and nature of each system, to de-
25 termine the specific needs of—

- 1 (1) local bus-only public transportation systems;
2 and
3 (2) selected public transportation systems that
4 receive funds under section 5311 of title 49, United
5 States Code.

6 **SEC. 3304. SECURITY ASSISTANCE GRANTS.**

7 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

8 (1) IN GENERAL.—The Secretary of Homeland
9 Security shall award grants directly to public trans-
10 portation agencies for allowable capital security im-
11 provements based on the priorities established under
12 section 3303(a)(4).

13 (2) ALLOWABLE USE OF FUNDS.—Grants
14 awarded under paragraph (1) may be used for—

15 (A) tunnel protection systems;

16 (B) perimeter protection systems;

17 (C) redundant critical operations control
18 systems;

19 (D) chemical, biological, radiological, or ex-
20 plosive detection systems;

21 (E) surveillance equipment;

22 (F) communications equipment;

23 (G) emergency response equipment;

24 (H) fire suppression and decontamination
25 equipment;

- 1 (I) global positioning or automated vehicle
2 locator type system equipment;
3 (J) evacuation improvements; and
4 (K) other capital security improvements.

5 (b) OPERATIONAL SECURITY ASSISTANCE PRO-
6 GRAM.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security shall award grants directly to public trans-
9 portation agencies for allowable operational security
10 improvements based on the priorities established
11 under section 3303(a)(4).

12 (2) ALLOWABLE USE OF FUNDS.—Grants
13 awarded under paragraph (1) may be used for—

14 (A) security training for public transpor-
15 tation employees, including bus and rail opera-
16 tors, mechanics, customer service, maintenance
17 employees, transit police, and security per-
18 sonnel;

19 (B) live or simulated drills;

20 (C) public awareness campaigns for en-
21 hanced public transportation security;

22 (D) canine patrols for chemical, biological,
23 or explosives detection;

24 (E) overtime reimbursement for enhanced
25 security personnel during significant national

1 and international public events, consistent with
2 the priorities established under section
3 3303(a)(4); and

4 (F) other appropriate security improve-
5 ments identified under section 3303(a)(4), ex-
6 cluding routine, ongoing personnel costs.

7 (c) CONGRESSIONAL NOTIFICATION.—Not later than
8 3 days before the award of any grant under this section,
9 the Secretary of Homeland Security shall notify the Com-
10 mittee on Banking, Housing, and Urban Affairs of the
11 Senate of the intent to award such grant.

12 (d) PUBLIC TRANSPORTATION AGENCY RESPON-
13 SIBILITIES.—Each public transportation agency that re-
14 ceives a grant under this section shall—

15 (1) identify a security coordinator to coordinate
16 security improvements;

17 (2) develop a comprehensive plan that dem-
18 onstrates the agency's capacity for operating and
19 maintaining the equipment purchased under this
20 section; and

21 (3) report annually to the Department of
22 Homeland Security on the use of grant funds re-
23 ceived under this section.

24 (e) RETURN OF MISSPENT GRANT FUNDS.—If the
25 Secretary of Homeland Security determines that a grantee

1 used any portion of the grant funds received under this
2 section for a purpose other than the allowable uses speci-
3 fied for that grant under this section, the grantee shall
4 return any amount so used to the Treasury of the United
5 States.

6 **SEC. 3305. INTELLIGENCE SHARING.**

7 (a) INTELLIGENCE SHARING.—The Secretary of
8 Homeland Security shall ensure that the Department of
9 Transportation receives appropriate and timely notifica-
10 tion of all credible terrorist threats against public trans-
11 portation assets in the United States.

12 (b) INFORMATION SHARING ANALYSIS CENTER.—

13 (1) ESTABLISHMENT.—The Secretary of Home-
14 land Security shall provide sufficient financial assist-
15 ance for the reasonable costs of the Information
16 Sharing and Analysis Center for Public Transpor-
17 tation (referred to in this subsection as the “ISAC”)
18 established pursuant to Presidential Directive 63, to
19 protect critical infrastructure.

20 (2) PUBLIC TRANSPORTATION AGENCY PARTICI-
21 PATION.—The Secretary of Homeland Security—

22 (A) shall require those public transpor-
23 tation agencies that the Secretary determines to
24 be at significant risk of terrorist attack to par-
25 ticipate in the ISAC;

1 (B) shall encourage all other public trans-
2 portation agencies to participate in the ISAC;
3 and

4 (C) shall not charge a fee to any public
5 transportation agency for participating in the
6 ISAC.

7 **SEC. 3306. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.**
8

9 (a) GRANTS AUTHORIZED.—The Secretary of Home-
10 land Security, in consultation with the Federal Transit
11 Administration, shall award grants to public or private en-
12 tities to conduct research into, and demonstrate, tech-
13 nologies and methods to reduce and deter terrorist threats
14 or mitigate damages resulting from terrorist attacks
15 against public transportation systems.

16 (b) USE OF FUNDS.—Grants awarded under sub-
17 section (a) may be used to—

18 (1) research chemical, biological, radiological, or
19 explosive detection systems that do not significantly
20 impede passenger access;

21 (2) research imaging technologies;

22 (3) conduct product evaluations and testing;

23 and

24 (4) research other technologies or methods for
25 reducing or deterring terrorist attacks against public

1 transportation systems, or mitigating damage from
2 such attacks.

3 (c) REPORTING REQUIREMENT.—Each entity that
4 receives a grant under this section shall report annually
5 to the Department of Homeland Security on the use of
6 grant funds received under this section.

7 (d) RETURN OF MISSPENT GRANT FUNDS.—If the
8 Secretary of Homeland Security determines that a grantee
9 used any portion of the grant funds received under this
10 section for a purpose other than the allowable uses speci-
11 fied under subsection (b), the grantee shall return any
12 amount so used to the Treasury of the United States.

13 **SEC. 3307. REPORTING REQUIREMENTS.**

14 (a) SEMI-ANNUAL REPORT TO CONGRESS.—

15 (1) IN GENERAL.—Not later than March 31
16 and September 30 each year, the Secretary of
17 Homeland Security shall submit a report, containing
18 the information described in paragraph (2), to—

19 (A) the Committee on Banking, Housing,
20 and Urban Affairs of the Senate;

21 (B) the Committee on Homeland Security
22 and Governmental Affairs of the Senate; and

23 (C) the Committee on Appropriations of
24 the Senate.

1 (2) CONTENTS.—The report submitted under
2 paragraph (1) shall include—

3 (A) a description of the implementation of
4 the provisions of sections 3303 through 3306;

5 (B) the amount of funds appropriated to
6 carry out the provisions of each of sections
7 3303 through 3306 that have not been ex-
8 pended or obligated; and

9 (C) the state of public transportation secu-
10 rity in the United States.

11 (b) ANNUAL REPORT TO GOVERNORS.—

12 (1) IN GENERAL.—Not later than March 31
13 each year, the Secretary of Homeland Security shall
14 submit a report to the Governor of each State with
15 a public transportation agency that has received a
16 grant under this title.

17 (2) CONTENTS.—The report submitted under
18 paragraph (1) shall specify—

19 (A) the amount of grant funds distributed
20 to each such public transportation agency; and

21 (B) the use of such grant funds.

22 **SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

24 There are authorized to be appropriated \$2,370,000,000

1 for fiscal year 2007 to carry out the provisions of section
2 3304(a), which shall remain available until expended.

3 (b) OPERATIONAL SECURITY ASSISTANCE PRO-
4 GRAM.—There are authorized to be appropriated to carry
5 out the provisions of section 3304(b)—

6 (1) \$534,000,000 for fiscal year 2007;

7 (2) \$333,000,000 for fiscal year 2008; and

8 (3) \$133,000,000 for fiscal year 2009.

9 (c) INTELLIGENCE.—There are authorized to be ap-
10 propriated such sums as may be necessary to carry out
11 the provisions of section 3305.

12 (d) RESEARCH.—There are authorized to be appro-
13 priated \$130,000,000 for fiscal year 2007 to carry out the
14 provisions of section 3306, which shall remain available
15 until expended.

16 **SEC. 3309. SUNSET PROVISION.**

17 The authority to make grants under this title shall
18 expire on October 1, 2010.

1 **TITLE XXXIV—AVIATION**
2 **SECURITY**

3 **SEC. 3401. INAPPLICABILITY OF LIMITATION ON EMPLOY-**
4 **MENT OF PERSONNEL WITHIN TRANSPOR-**
5 **TATION SECURITY ADMINISTRATION TO**
6 **ACHIEVE AVIATION SECURITY.**

7 (a) **IN GENERAL.**—Notwithstanding any other provi-
8 sion of law, if the conditions set forth in subsection (b)
9 are met, the Secretary of Homeland Security is not re-
10 quired to—

11 (1) comply with any statutory limitation on the
12 number of employees in the Transportation Security
13 Administration (referred to in this section as the
14 “TSA”), whether before or after the transfer of the
15 TSA from the Department of Transportation to the
16 Department of Homeland Security; or

17 (2) comply with any administrative rule or reg-
18 ulation imposing a limitation on the recruitment or
19 employment of personnel in the TSA to a maximum
20 number of permanent positions.

21 (b) **CONDITIONS.**—The conditions set forth in this
22 subsection are met if the enforcement or compliance with
23 a limitation, rule, or regulation described in subsection (a)
24 would prevent the Secretary of Homeland Security from

1 recruiting and employing in the TSA such personnel as
2 may be necessary—

3 (1) to provide the highest levels of aviation se-
4 curity; and

5 (2) to accomplish the objective specified in
6 paragraph (1) in such a manner that the average
7 aviation security-related delay experienced by airline
8 passengers is reduced to less than 10 minutes.

9 **SEC. 3402. AVIATION RESEARCH AND DEVELOPMENT FOR**
10 **EXPLOSIVE DETECTION.**

11 (a) **ADVANCED EXPLOSIVES DETECTION SYSTEMS.**—

12 The Secretary of Homeland Security, through the Under
13 Secretary for Science and Technology and the Assistant
14 Secretary of the Transportation Security Administration,
15 and in consultation with the Secretary of Transportation,
16 shall, in carrying out research and development on the de-
17 tection of explosive materials at airport security check-
18 points, focus on the detection of explosive materials, in-
19 cluding liquid explosives, in a manner that—

20 (1) improves the ability of airport security tech-
21 nologies to determine which items could—

22 (A) threaten safety;

23 (B) be used as an explosive; or

24 (C) assembled into an explosive device; and

1 (2) results in the development of an advanced
2 screening technology that incorporates existing tech-
3 nologies into a single screening system.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to the Secretary of Homeland Security
7 to carry out this section—

8 (A) \$200,000,000 for fiscal year 2008; and

9 (B) \$250,000,000 for fiscal year 2009.

10 (2) AVAILABILITY.—Amounts appropriated pur-
11 suant to paragraph (1) shall remain available until
12 expended.

13 **SEC. 3403. AVIATION REPAIR STATION SECURITY.**

14 (a) CERTIFICATION OF FOREIGN REPAIR STATIONS
15 SUSPENSION.—Beginning on the date that is 90 days
16 after the date of the enactment of this Act, the Adminis-
17 trator of the Federal Aviation Administration may not cer-
18 tify any foreign repair station under part 145 of title 14,
19 Code of Federal Regulations, unless the Under Secretary
20 for Border and Transportation Security has issued final
21 regulations, pursuant to section 44924(f) of title 49,
22 United States Code, to ensure the security of foreign and
23 domestic aircraft repair stations.

24 (b) 6-MONTH DEADLINE FOR SECURITY REVIEW
25 AND AUDIT.—Section 44924 of title 49, United States

1 Code, is amended by striking “18 months” each place it
2 appears and inserting “6 months”.

3 **DIVISION E—A NEW DIRECTION**
4 **IN IRAQ**
5 **TITLE XLI—UNITED STATES**
6 **POLICY ON IRAQ**

7 **SEC. 4001. UNITED STATES POLICY ON IRAQ.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “United States Policy on Iraq Act of 2006”.

10 (b) **FINDINGS.**—Congress makes the following find-
11 ings:

12 (1) Global terrorist networks, including those
13 that attacked the United States on September 11,
14 2001, continue to threaten the national security of
15 the United States and are recruiting, planning, and
16 developing capabilities to attack the United States
17 and its allies throughout the world.

18 (2) Winning the fight against terrorist networks
19 requires an integrated, comprehensive effort that
20 uses all facets of power of the United States and the
21 members of the international community who value
22 democracy, freedom, and the rule of law.

23 (3) The United States Armed Forces, particu-
24 larly the Army and Marine Corps, are stretched

1 thin, and many soldiers and Marines have experi-
2 enced three or more deployments to combat zones.

3 (4) Sectarian violence has surpassed the insur-
4 gency and terrorism as the main security threat in
5 Iraq, increasing the prospects of a broader civil war
6 which could draw in Iraq's neighbors.

7 (5) United States and coalition forces have
8 trained and equipped more than 129,000 Iraqi sol-
9 diers, sailors, and airmen, and more than 165,000
10 Iraqi police, highway patrol, and other Ministry of
11 Interior forces.

12 (6) Of the 106 operational Iraqi Army combat
13 battalions, 85 are either in the lead or operating
14 independently, according to the August 2006 report
15 of the Administration to Congress entitled "Meas-
16 uring Stability and Security in Iraq";

17 (7) Congress expressed its sense in the National
18 Defense Authorization Act for Fiscal Year 2006
19 (119 Stat. 3466) that "calendar year 2006 should
20 be a period of significant transition to full Iraqi sov-
21 ereignty, with Iraqi security forces taking the lead
22 for the security of a free and sovereign Iraq, thereby
23 creating the conditions for the phased redeployment
24 of United States forces from Iraq".

1 (8) Iraq's security forces are heavily infiltrated
2 by sectarian militia, which has greatly increased sec-
3 tarian tensions and impeded the development of ef-
4 fective security services loyal to the Iraq Govern-
5 ment.

6 (9) With the approval by the Iraqi Council of
7 Representatives of the ministers of defense, national
8 security, and the interior on June 7, 2006, the en-
9 tire cabinet of Prime Minister Maliki is now in
10 place.

11 (10) Pursuant to the Iraq Constitution, the
12 Council of Representatives is to appoint a Panel
13 which will have 4 months to recommend changes to
14 the Iraq Constitution.

15 (11) Despite pledges of more than
16 \$8,000,000,000 in assistance for Iraq by foreign
17 governments other than the United States at the
18 Madrid International Donors' Conference in October
19 2003, only \$3,500,000,000 of such assistance has
20 been forthcoming.

21 (12) The current open-ended commitment of
22 United States forces in Iraq is unsustainable and a
23 deterrent to the Iraqis making the political com-
24 promises and personnel and resource commitments
25 that are needed for the stability and security of Iraq.

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that in order to change course from an open-ended
3 commitment and to promote the assumption of security
4 responsibilities by the Iraqis, thus advancing the chances
5 for success in Iraq—

6 (1) the following actions need to be taken to
7 help achieve the broad-based and sustainable polit-
8 ical settlement so essential for defeating the insur-
9 gency and preventing all-out civil war—

10 (A) there must be a fair sharing of polit-
11 ical power and economic resources among all
12 the Iraqi groups so as to invest them in the for-
13 mation of an Iraqi nation by either amendments
14 to the Iraq Constitution or by legislation or
15 other means, within the timeframe provided for
16 in the Iraq Constitution;

17 (B) the President should convene an inter-
18 national conference so as to more actively in-
19 volve the international community and Iraq's
20 neighbors, promote a durable political settle-
21 ment among Iraqis, reduce regional interference
22 in Iraq's internal affairs, encourage more coun-
23 tries to contribute to Iraq's extensive needs,
24 and ensure that pledged funds are forthcoming;

1 (C) the Iraq Government should promptly
2 and decisively disarm the militias and remove
3 those members of the Iraqi security forces
4 whose loyalty to the Iraq Government is in
5 doubt; and

6 (D) the President should—

7 (i) expedite the transition of United
8 States forces in Iraq to a limited presence
9 and mission of training Iraqi security
10 forces, providing logistic support of Iraqi
11 security forces, protecting United States
12 infrastructure and personnel, and partici-
13 pating in targeted counterterrorism activi-
14 ties;

15 (ii) after consultation with the Gov-
16 ernment of Iraq, begin the phased rede-
17 ployment of United States forces from Iraq
18 this year; and

19 (iii) submit to Congress a plan by the
20 end of 2006 with estimated dates for the
21 continued phased redeployment of United
22 States forces from Iraq, with the under-
23 standing that unexpected contingencies
24 may arise;

1 (2) during and after the phased redeployment
2 of United States forces from Iraq, the United States
3 will need to sustain a nonmilitary effort to actively
4 support reconstruction, governance, and a durable
5 political solution in Iraq; and

6 (3) the President should carefully assess the
7 impact that ongoing United States military oper-
8 ations in Iraq are having on the capability of the
9 United States Government to conduct an effective
10 counterterrorism campaign to defeat the broader
11 global terrorist networks that threaten the United
12 States.

13 **SEC. 4002. SENSE OF SENATE ON NEED FOR A NEW DIREC-**
14 **TION IN IRAQ POLICY AND IN THE CIVILIAN**
15 **LEADERSHIP OF THE DEPARTMENT OF DE-**
16 **FENSE.**

17 (a) FINDINGS.—The Senate makes the following
18 findings:

19 (1) The Armed Forces of the United States
20 have served honorably and courageously in Iraq,
21 with more than 2,600 brave Americans having made
22 the ultimate sacrifice and more than 20,000 wound-
23 ed.

24 (2) The current “stay the course” policy in Iraq
25 has made America less secure, reduced the readiness

1 of our troops, and burdened America's taxpayers
2 with more than \$300,000,000,000 in additional
3 debt.

4 (3) With weekly attacks against American and
5 Iraqi troops at their highest levels since the start of
6 the war, and sectarian violence intensifying, it is
7 clear that staying the course in Iraq is not a strat-
8 egy for success.

9 (b) SENSE OF SENATE.—It is the sense of the Senate
10 that—

11 (1) our troops deserve, and the American people
12 expect, the George W. Bush Administration to pro-
13 vide competent civilian leadership and a true strat-
14 egy for success in Iraq; and

15 (2) President George W. Bush needs to change
16 course in Iraq to provide a strategy for success, and
17 one indication of such a change of course would be
18 to replace the current Secretary of Defense.

19 **TITLE XLII—SPECIAL COM-**
20 **MITTEE OF SENATE ON WAR**
21 **AND RECONSTRUCTION CON-**
22 **TRACTING**

23 **SEC. 4101. FINDINGS.**

24 Congress makes the following findings:

1 (1) The wars in Iraq and Afghanistan have ex-
2 erted very large demands on the Treasury of the
3 United States and required tremendous sacrifice by
4 the members of the Armed Forces of the United
5 States.

6 (2) Congress has a constitutional responsibility
7 to ensure comprehensive oversight of the expenditure
8 of United States Government funds.

9 (3) Waste and corporate abuse of United States
10 Government resources are particularly unacceptable
11 and reprehensible during times of war.

12 (4) The magnitude of the funds involved in the
13 reconstruction of Afghanistan and Iraq and the war
14 on terrorism, together with the speed with which
15 these funds have been committed, presents a chal-
16 lenge to the effective performance of the traditional
17 oversight function of Congress and the auditing
18 functions of the executive branch.

19 (5) The Senate Special Committee to Inves-
20 tigate the National Defense Program, popularly
21 know as the Truman Committee, which was estab-
22 lished during World War II, offers a constructive
23 precedent for bipartisan oversight of wartime con-
24 tracting that can also be extended to wartime and
25 postwar reconstruction activities.

1 (6) The Truman Committee is credited with an
2 extremely successful investigative effort, perform-
3 ance of a significant public education role, and
4 achievement of fiscal savings measured in the bil-
5 lions of dollars.

6 (7) The public has a right to expect that tax-
7 payer resources will be carefully disbursed and hon-
8 estly spent.

9 **SEC. 4102. SPECIAL COMMITTEE ON WAR AND RECON-**
10 **STRUCTION CONTRACTING.**

11 There is established a special committee of the Senate
12 to be known as the Special Committee on War and Recon-
13 struction Contracting (hereafter in this title referred to
14 as the “Special Committee”).

15 **SEC. 4103. PURPOSE AND DUTIES.**

16 (a) **PURPOSE.**—The purpose of the Special Com-
17 mittee is to investigate the awarding and performance of
18 contracts to conduct military, security, and reconstruction
19 activities in Afghanistan and Iraq and to support the pros-
20 ecution of the war on terrorism.

21 (b) **DUTIES.**—The Special Committee shall examine
22 the contracting actions described in subsection (a) and re-
23 port on such actions, in accordance with this section, re-
24 garding—

1 (1) bidding, contracting, accounting, and audit-
2 ing standards for Federal Government contracts;

3 (2) methods of contracting, including sole-
4 source contracts and limited competition or non-
5 competitive contracts;

6 (3) subcontracting under large, comprehensive
7 contracts;

8 (4) oversight procedures;

9 (5) consequences of cost-plus and fixed price
10 contracting;

11 (6) allegations of wasteful and fraudulent prac-
12 tices;

13 (7) accountability of contractors and Govern-
14 ment officials involved in procurement and con-
15 tracting;

16 (8) penalties for violations of law and abuses in
17 the awarding and performance of Government con-
18 tracts; and

19 (9) lessons learned from the contracting process
20 used in Iraq and Afghanistan and in connection with
21 the war on terrorism with respect to the structure,
22 coordination, management policies, and procedures
23 of the Federal Government.

24 (c) INVESTIGATION OF WASTEFUL AND FRAUDU-
25 LENT PRACTICES.—The investigation by the Special Com-

1 mittee of allegations of wasteful and fraudulent practices
2 under subsection (b)(6) shall include investigation of alle-
3 gations regarding any contract or spending entered into,
4 supervised by, or otherwise involving the Coalition Provi-
5 sional Authority, regardless of whether or not such con-
6 tract or spending involved appropriated funds of the
7 United States.

8 (d) EVIDENCE CONSIDERED.—In carrying out its du-
9 ties, the Special Committee shall ascertain and evaluate
10 the evidence developed by all relevant governmental agen-
11 cies regarding the facts and circumstances relevant to con-
12 tracts described in subsection (a) and any contract or
13 spending covered by subsection (c).

14 **SEC. 4104. COMPOSITION OF SPECIAL COMMITTEE.**

15 (a) MEMBERSHIP.—

16 (1) IN GENERAL.—The Special Committee shall
17 consist of 7 members of the Senate of whom—

18 (A) 4 members shall be appointed by the
19 President pro tempore of the Senate, in con-
20 sultation with the majority leader of the Senate;
21 and

22 (B) 3 members shall be appointed by the
23 minority leader of the Senate.

24 (2) DATE.—The appointments of the members
25 of the Special Committee shall be made not later

1 than 90 days after the date of the enactment of this
2 Act.

3 (b) VACANCIES.—Any vacancy in the Special Com-
4 mittee shall not affect its powers, but shall be filled in
5 the same manner as the original appointment.

6 (c) SERVICE.—Service of a Senator as a member,
7 chairman, or ranking member of the Special Committee
8 shall not be taken into account for the purposes of para-
9 graph (4) of rule XXV of the Standing Rules of the Sen-
10 ate.

11 (d) CHAIRMAN AND RANKING MEMBER.—The chair-
12 man of the Special Committee shall be designated by the
13 majority leader of the Senate, and the ranking member
14 of the Special Committee shall be designated by the minor-
15 ity leader of the Senate.

16 (e) QUORUM.—

17 (1) REPORTS AND RECOMMENDATIONS.—A ma-
18 jority of the members of the Special Committee shall
19 constitute a quorum for the purpose of reporting a
20 matter or recommendation to the Senate.

21 (2) TESTIMONY.—One member of the Special
22 Committee shall constitute a quorum for the purpose
23 of taking testimony.

24 (3) OTHER BUSINESS.—A majority of the mem-
25 bers of the Special Committee, or $\frac{1}{3}$ of the members

1 of the Special Committee if at least one member of
2 the minority party is present, shall constitute a
3 quorum for the purpose of conducting any other
4 business of the Special Committee.

5 **SEC. 4105. RULES AND PROCEDURES.**

6 (a) GOVERNANCE UNDER STANDING RULES OF SEN-
7 ATE.—Except as otherwise specifically provided in this
8 subtitle, the investigation, study, and hearings conducted
9 by the Special Committee shall be governed by the Stand-
10 ing Rules of the Senate.

11 (b) ADDITIONAL RULES AND PROCEDURES.—The
12 Special Committee may adopt additional rules or proce-
13 dures if the chairman and ranking member agree that
14 such additional rules or procedures are necessary to enable
15 the Special Committee to conduct the investigation, study,
16 and hearings authorized by this resolution. Any such addi-
17 tional rules and procedures—

18 (1) shall not be inconsistent with this resolution
19 or the Standing Rules of the Senate; and

20 (2) shall become effective upon publication in
21 the Congressional Record.

22 **SEC. 4106. AUTHORITY OF SPECIAL COMMITTEE.**

23 (a) IN GENERAL.—The Special Committee may exer-
24 cise all of the powers and responsibilities of a committee
25 under rule XXVI of the Standing Rules of the Senate.

1 (b) HEARINGS.—The Special Committee or, at its di-
2 rection, any subcommittee or member of the Special Com-
3 mittee, may, for the purpose of carrying out this resolu-
4 tion—

5 (1) hold such hearings, sit and act at such
6 times and places, take such testimony, receive such
7 evidence, and administer such oaths as the Special
8 Committee or such subcommittee or member con-
9 siders advisable; and

10 (2) require, by subpoena or otherwise, the at-
11 tendance and testimony of such witnesses and the
12 production of such books, records, correspondence,
13 memoranda, papers, documents, tapes, and materials
14 as the Special Committee considers advisable.

15 (c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

16 (1) ISSUANCE.—Subpoenas issued under sub-
17 section (b) shall bear the signature of the Chairman
18 of the Special Committee and shall be served by any
19 person or class of persons designated by the Chair-
20 man for that purpose.

21 (2) ENFORCEMENT.—In the case of contumacy
22 or failure to obey a subpoena issued under sub-
23 section (a), the United States district court for the
24 judicial district in which the subpoenaed person re-
25 sides, is served, or may be found may issue an order

1 requiring such person to appear at any designated
2 place to testify or to produce documentary or other
3 evidence. Any failure to obey the order of the court
4 may be punished by the court as a contempt of that
5 court.

6 (d) MEETINGS.—The Special Committee may sit and
7 act at any time or place during sessions, recesses, and ad-
8 journment periods of the Senate.

9 **SEC. 4107. REPORTS.**

10 (a) INITIAL REPORT.—The Special Committee shall
11 submit to the Senate a report on the investigation con-
12 ducted pursuant to section 4103 not later than 270 days
13 after the appointment of the Special Committee members.

14 (b) UPDATED REPORT.—The Special Committee
15 shall submit an updated report on such investigation not
16 later than 180 days after the submission of the report
17 under subsection (a).

18 (c) ADDITIONAL REPORTS.—The Special Committee
19 may submit any additional report or reports that the Spe-
20 cial Committee considers appropriate.

21 (d) FINDINGS AND RECOMMENDATIONS.—The re-
22 ports under this section shall include findings and rec-
23 ommendations of the Special Committee regarding the
24 matters considered under section 4103.

1 (e) DISPOSITION OF REPORTS.—Any report made by
2 the Special Committee when the Senate is not in session
3 shall be submitted to the Clerk of the Senate. Any report
4 made by the Special Committee shall be referred to the
5 committee or committees that have jurisdiction over the
6 subject matter of the report.

7 **SEC. 4108. ADMINISTRATIVE PROVISIONS.**

8 (a) STAFF.—

9 (1) IN GENERAL.—The Special Committee may
10 employ in accordance with paragraph (2) a staff
11 composed of such clerical, investigatory, legal, tech-
12 nical, and other personnel as the Special Committee,
13 or the chairman or the ranking member, considers
14 necessary or appropriate.

15 (2) APPOINTMENT OF STAFF.—

16 (A) IN GENERAL.—The Special Committee
17 shall appoint a staff for the majority, a staff for
18 the minority, and a nondesignated staff.

19 (B) MAJORITY STAFF.—The majority staff
20 shall be appointed, and may be removed, by the
21 chairman and shall work under the general su-
22 pervision and direction of the chairman.

23 (C) MINORITY STAFF.—The minority staff
24 shall be appointed, and may be removed, by the
25 ranking member of the Special Committee, and

1 shall work under the general supervision and di-
2 rection of such member.

3 (D) NONDESIGNATED STAFF.—Nondes-
4 ignated staff shall be appointed, and may be re-
5 moved, jointly by the chairman and the ranking
6 member, and shall work under the joint general
7 supervision and direction of the chairman and
8 ranking member.

9 (b) COMPENSATION.—

10 (1) MAJORITY STAFF.—The chairman shall fix
11 the compensation of all personnel of the majority
12 staff of the Special Committee.

13 (2) MINORITY STAFF.—The ranking member
14 shall fix the compensation of all personnel of the mi-
15 nority staff of the Special Committee.

16 (3) NONDESIGNATED STAFF.—The chairman
17 and ranking member shall jointly fix the compensa-
18 tion of all nondesignated staff of the Special Com-
19 mittee, within the budget approved for such pur-
20 poses for the Special Committee.

21 (c) REIMBURSEMENT OF EXPENSES.—The Special
22 Committee may reimburse the members of its staff for
23 travel, subsistence, and other necessary expenses incurred
24 by such staff members in the performance of their func-
25 tions for the Special Committee.

1 (d) PAYMENT OF EXPENSES.—There shall be paid
2 out of the applicable accounts of the Senate such sums
3 as may be necessary for the expenses of the Special Com-
4 mittee. Such payments shall be made on vouchers signed
5 by the chairman of the Special Committee and approved
6 in the manner directed by the Committee on Rules and
7 Administration of the Senate. Amounts made available
8 under this subsection shall be expended in accordance with
9 regulations prescribed by the Committee on Rules and Ad-
10 ministration of the Senate.

11 **SEC. 4109. TERMINATION.**

12 The Special Committee shall terminate on July 1,
13 2008.

14 **SEC. 4110. SENSE OF SENATE ON CERTAIN CLAIMS RE-**
15 **GARDING THE COALITION PROVISIONAL AU-**
16 **THORITY.**

17 It is the sense of the Senate that any claim of fraud,
18 waste, or abuse under the False Claims Act that involves
19 any contract or spending by the Coalition Provisional Au-
20 thority should be considered a claim against the United
21 States Government.

Calendar No. 598

109TH CONGRESS
2^D SESSION

S. 3875

A BILL

To provide real national security, restore United States leadership, and implement tough and smart policies to win the war on terror, and for other purposes.

SEPTEMBER 8, 2006

Read the second time and placed on the calendar