

109TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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”.

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

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

## 2

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

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
2 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 Superseded provision.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.

## 3

## 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.

## 4

- Sec. 306. Standards for the detention and humane treatment of captured terrorists.
- Sec. 307. Use of economic policies to combat terrorism.
- Sec. 308. Actions to ensure vigorous efforts against terrorist financing.

## Subtitle B—Public Diplomacy

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

## Subtitle C—Nonproliferation

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

## DIVISION B—COMBATTING TERRORISM.

- Sec. 1001. Short title.

## TITLE XI—EFFECTIVELY TARGETING TERRORISTS

- 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.

Sec. 1106. Enhancement of intelligence community efforts to bring Osama bin Laden and other al Qaeda leaders to justice.

## 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.  
Sec. 1203. Authorization of appropriations.

### 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.

### Subtitle C—Restoring American Moral Leadership

Sec. 1221. Advancing United States interests through public diplomacy.  
Sec. 1222. Department of State public diplomacy programs.  
Sec. 1223. Treatment of detainees.  
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.  
Sec. 1232. Pakistan.  
Sec. 1233. Saudi Arabia.

## TITLE XIII—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

### Subtitle A—Non-Proliferation Programs

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.

## TITLE XIV—PROTECTING TAXPAYERS

## 6

- Sec. 1401. Reports on metrics for measuring success in Global War on Terrorism.
- Sec. 1402. Prohibition on war profiteering.

## TITLE XV—OTHER MATTERS

- Sec. 1501. Sense of Congress on military commissions for the trial of persons detained in the Global War on Terrorism.

## DIVISION C—INTELLIGENCE AUTHORIZATIONS

- Sec. 2001. Short title.

## TITLE XXI—INTELLIGENCE ACTIVITIES

- Sec. 2101. Authorization of appropriations.
- Sec. 2102. Classified schedule of authorizations.
- Sec. 2103. Incorporation of classified annex.
- Sec. 2104. Personnel ceiling adjustments.
- Sec. 2105. Intelligence Community Management Account.
- Sec. 2106. Incorporation of reporting requirements.
- Sec. 2107. Availability to public of certain intelligence funding information.
- Sec. 2108. Response of intelligence community to requests from Congress for intelligence documents and information.

TITLE XXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT  
AND DISABILITY SYSTEM

- Sec. 2201. Authorization of appropriations.

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.
- Sec. 2303. Clarification of definition of intelligence community under the National Security Act of 1947.
- Sec. 2304. Improvement of notification of Congress regarding intelligence activities of the United States Government.
- Sec. 2305. Delegation of authority for travel on common carriers for intelligence collection personnel.
- Sec. 2306. Modification of availability of funds for different intelligence activities.
- Sec. 2307. Additional limitation on availability of funds for intelligence and intelligence-related activities.
- Sec. 2308. Increase in penalties for disclosure of undercover intelligence officers and agents.
- Sec. 2309. Retention and use of amounts paid as debts to elements of the intelligence community.
- Sec. 2310. Pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities.
- 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.
- Sec. 2314. Report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.
- Sec. 2315. Sense of Congress on electronic surveillance.

#### TITLE XXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

- Sec. 2401. Additional authorities of the Director of National Intelligence on intelligence information sharing.
- Sec. 2402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
- Sec. 2403. Authority of the Director of National Intelligence to manage access to human intelligence information.
- 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.
- Sec. 2424. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
- Sec. 2425. Director of National Intelligence report on retirement benefits for former employees of Air America.

##### Subtitle C—Defense Intelligence Components

- Sec. 2431. Enhancements of National Security Agency training program.

- Sec. 2432. Codification of authorities of National Security Agency protective personnel.
- Sec. 2433. Inspector general matters.
- Sec. 2434. Confirmation of appointment of heads of certain components of the intelligence community.
- Sec. 2435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
- Sec. 2436. Security clearances in the National Geospatial-Intelligence Agency.

#### Subtitle D—Other Elements

- Sec. 2441. Foreign language incentive for certain non-special agent employees of the Federal Bureau of Investigation.
- Sec. 2442. Authority to secure services by contract for the Bureau of Intelligence and Research of the Department of State.
- Sec. 2443. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
- Sec. 2444. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for fiscal year 2004.

#### TITLE XXV—OTHER MATTERS

- Sec. 2501. Technical amendments to the National Security Act of 1947.
- Sec. 2502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
- Sec. 2503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 2504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 2505. Technical amendment to the Central Intelligence Agency Act of 1949.
- Sec. 2506. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 2507. Technical amendments to the Executive Schedule.
- Sec. 2508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

#### DIVISION D—TRANSPORTATION SECURITY

##### TITLE XXXI—MARITIME SECURITY

- Sec. 3101. Short title; Definitions.
- Sec. 3102. Interagency operational command centers for port security.
- Sec. 3103. Salvage response plan.
- Sec. 3104. Vessel and facility security plans.
- Sec. 3105. Assistance for foreign ports.
- Sec. 3106. Port security grants.
- Sec. 3107. Operation safe commerce.
- Sec. 3108. Port security training program.
- Sec. 3109. Port security exercise program.
- Sec. 3110. Inspection of car ferries entering from Canada.
- Sec. 3111. Deadline for transportation worker identification credential security cards.



## 9

- Sec. 3112. Port security user fee study.
- Sec. 3113. Unannounced inspections of maritime facilities.
- Sec. 3114. Foreign port assessments.
- Sec. 3115. Pilot program to improve the security of empty containers.
- Sec. 3116. Domestic radiation detection and imaging.
- Sec. 3117. Evaluation of the environmental health and safety impacts of non-intrusive inspection technology.
- 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.
- Sec. 3126. International trade data system.

## TITLE XXXII—RAIL SECURITY

- Sec. 3201. Short title.
- Sec. 3202. Rail Transportation security risk assessment.
- Sec. 3203. Systemwide Amtrak security upgrades.
- Sec. 3204. Fire and Life-Safety improvements.
- Sec. 3205. Freight and passenger rail security upgrades.
- 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.
- Sec. 3213. Memorandum of agreement.
- Sec. 3214. Rail security enhancements.
- Sec. 3215. Public awareness.
- Sec. 3216. Railroad high hazard material tracking.
- Sec. 3217. Authorization of appropriations.

## TITLE XXXIII—MASS TRANSIT SECURITY

- Sec. 3301. Short title.
- Sec. 3302. Findings.
- Sec. 3303. Security assessments.
- Sec. 3304. Security assistance grants.
- Sec. 3305. Intelligence sharing.
- Sec. 3306. Research, development, and demonstration grants.
- Sec. 3307. Reporting requirements.
- Sec. 3308. Authorization of appropriations.
- Sec. 3309. Sunset provision.

## TITLE XXXIV—AVIATION SECURITY

- Sec. 3401. Inapplicability of limitation on employment of personnel within Transportation Security Administration to achieve aviation security.
- Sec. 3402. Aviation research and development for explosive detection.

Sec. 3403. Aviation repair station security.

DIVISION E—A NEW DIRECTION IN IRAQ

Title XLI—United States Policy on Iraq

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.

Title XLII—Special Committee of Senate on War and Reconstruction Contracting

Sec. 4101. Findings.

Sec. 4102. Special Committee on War and Reconstruction Contracting.

Sec. 4103. Purpose and duties.

Sec. 4104. Composition of Special Committee.

Sec. 4105. Rules and procedures.

Sec. 4106. Authority of Special Committee.

Sec. 4107. Reports.

Sec. 4108. Administrative provisions.

Sec. 4109. Termination.

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 (2) by adding at the end the following:

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

4 **“SEC. 1801. DEFINITIONS.**

5 “In this title:

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

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

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

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

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

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

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

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

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

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

20          “(5) EMERGENCY PREPAREDNESS.—The term  
21          ‘emergency preparedness’ shall have the same mean-  
22          ing that term has under section 602 of the Robert  
23          T. Stafford Disaster Relief and Emergency Assist-  
24          ance Act (42 U.S.C. 5195a).

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

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

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

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

21               “(A) any geographic area consisting of all  
22               or parts of 2 or more contiguous States, coun-  
23               ties, municipalities, or other local governments  
24               that have a combined population of at least  
25               1,650,000 or have an area of not less than

1           20,000 square miles, and that, for purposes of  
2           an application for a covered grant, is rep-  
3           resented by 1 or more governments or govern-  
4           mental agencies within such geographic area,  
5           and that is established by law or by agreement  
6           of 2 or more such governments or governmental  
7           agencies in a mutual aid agreement; or

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

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

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

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



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

6   **“SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RE-**  
7           **SPONDERS.**

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

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

19               “(2) **URBAN AREA SECURITY INITIATIVE.**—The  
20               Urban Area Security Initiative of the Department,  
21               or any successor to such grant program.

22               “(3) **LAW ENFORCEMENT TERRORISM PREVEN-**  
23               **TION PROGRAM.**—The Law Enforcement Terrorism  
24               Prevention Program of the Department, or any suc-  
25               cessor to such grant program.

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

4           “(1) NONDEPARTMENT PROGRAMS.—Any Fed-  
5 eral grant program that is not administered by the  
6 Department.

7           “(2) FIRE GRANT PROGRAMS.—The fire grant  
8 programs authorized by sections 33 and 34 of the  
9 Federal Fire Prevention and Control Act of 1974  
10 (15 U.S.C. 2229, 2229a).

11           “(3) EMERGENCY MANAGEMENT PLANNING  
12 AND ASSISTANCE ACCOUNT GRANTS.—The Emer-  
13 gency Management Performance Grant program and  
14 the Urban Search and Rescue Grants program au-  
15 thorized by title VI of the Robert T. Stafford Dis-  
16 aster Relief and Emergency Assistance Act (42  
17 U.S.C. 5195 et seq.); the Departments of Veterans  
18 Affairs and Housing and Urban Development, and  
19 Independent Agencies Appropriations Act, 2000  
20 (113 Stat. 1047 et seq.); and the Earthquake Haz-  
21 ards Reduction Act of 1977 (42 U.S.C. 7701 et  
22 seq.).

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

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

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

10 “(c) STATE HOMELAND SECURITY PLANS.—

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

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

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

24 “(C) demonstrates the needs of the State  
25 necessary to achieve, maintain, or enhance the  
26 essential capabilities that apply to the State;

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

4           “(E) describes how the State intends—

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

12           “(ii) to use all Federal, State, and  
13 local resources available for the purpose of  
14 addressing such needs; and

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

21           “(F) with respect to the emergency pre-  
22 paredness of first responders, addresses the  
23 unique aspects of terrorism as part of a com-  
24 prehensive State emergency management plan;  
25 and

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

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

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

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

19          “(d) CONSISTENCY WITH STATE PLANS.—The Sec-  
20          retary shall ensure that each covered grant is used to sup-  
21          plement and support, in a consistent and coordinated  
22          manner, the applicable State homeland security plan or  
23          plans.

24          “(e) APPLICATION FOR GRANT.—

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

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

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

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

23                  “(A) the purpose for which the applicant  
24                  seeks covered grant funds and the reasons why  
25                  the applicant needs the covered grant to meet

1 the essential capabilities for terrorism prepared-  
2 ness within the State, region, or directly eligible  
3 tribe to which the application pertains;

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

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

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

20 “(E) if the applicant is a region—

21 “(i) a precise geographical description  
22 of the region and a specification of all par-  
23 ticipating and nonparticipating local gov-  
24 ernments within the geographical area  
25 comprising that region;





1           paredness needs beyond those provided for  
2           in the application of such State or States.

3           “(B) STATE REVIEW AND SUBMISSION.—

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

19          “(C) DISTRIBUTION OF REGIONAL

20          AWARDS.—If the Secretary approves a regional  
21          application, then the Secretary shall distribute  
22          a regional award to the State or States submit-  
23          ting the applicable regional application under  
24          subparagraph (B), and each such State shall,  
25          not later than the end of the 45-day period be-

1           ginning on the date after receiving a regional  
2           award, pass through to the region all covered  
3           grant funds or resources purchased with such  
4           funds, except those funds necessary for the  
5           State to carry out its responsibilities with re-  
6           spect to such regional application. However in  
7           no such case shall the State or States pass  
8           through to the region less than 80 percent of  
9           the regional award.

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

20           “(E) DIRECT PAYMENTS TO REGIONS.—If  
21           any State fails to pass through a regional  
22           award to a region as required by subparagraph  
23           (C) within 45 days after receiving such award  
24           and does not request or receive an extension of  
25           such period under section 1806(h)(2), the re-

1           gion may petition the Secretary to receive di-  
2           rectly the portion of the regional award that is  
3           required to be passed through to such region  
4           under subparagraph (C).

5           “(F) REGIONAL LIAISONS.—A regional li-  
6           aison designated under paragraph (4)(E)(iii)  
7           shall—

8                   “(i) coordinate with Federal, State,  
9                   local, regional, and private officials within  
10                  the region concerning terrorism prepared-  
11                  ness;

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

18                   “(iii) administer, in consultation with  
19                   State, local, regional, and private officials  
20                   within the region, covered grants awarded  
21                   to the region.

22           “(6) TRIBAL APPLICATIONS.—

23                   “(A) SUBMISSION TO THE STATE OR  
24                   STATES.—To ensure the consistency required  
25                   under subsection (d), an applicant that is a di-

1           rectly eligible tribe must submit its application  
2           to each State within the boundaries of which  
3           any part of such tribe is located for direct sub-  
4           mission to the Department along with the appli-  
5           cation of such State or States.

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

17          “(C) FINAL AUTHORITY.—The Secretary  
18          shall have final authority to determine the con-  
19          sistency of any application of a directly eligible  
20          tribe with the applicable State homeland secu-  
21          rity plan or plans, and to approve any applica-  
22          tion of such tribe. The Secretary shall notify  
23          each State within the boundaries of which any  
24          part of such tribe is located of the approval of  
25          an application by such tribe.

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

3                   “(i) coordinate with Federal, State,  
4 local, regional, and private officials con-  
5 cerning terrorism preparedness;

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

12                   “(iii) administer, in consultation with  
13 State, local, regional, and private officials,  
14 covered grants awarded to such tribe.

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

19                   “(F) TRIBES NOT RECEIVING DIRECT  
20 GRANTS.—An Indian tribe that does not receive  
21 a grant directly under this section is eligible to  
22 receive funds under a covered grant from the  
23 State or States within the boundaries of which  
24 any part of such tribe is located, consistent with  
25 the homeland security plan of the State as de-

1           scribed in subsection (c). If a State fails to  
2           comply with section 1806(g)(1), the tribe may  
3           request payment under section 1806(h)(3) in  
4           the same manner as a local government.

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

15 **“SEC.     1804.     RISK-BASED     EVALUATION     AND**  
16 **PRIORITIZATION.**

17          “(a) FIRST RESPONDER GRANTS BOARD.—

18                 “(1) ESTABLISHMENT OF BOARD.—The Sec-  
19                 retary shall establish a First Responder Grants  
20                 Board, consisting of—

21                         “(A) the Secretary;

22                         “(B) the Under Secretary for Emergency  
23                         Preparedness and Response;

24                         “(C) the Under Secretary for Border and  
25                         Transportation Security;

1           “(D) the Under Secretary for Information  
2           Analysis and Infrastructure Protection;

3           “(E) the Under Secretary for Science and  
4           Technology;

5           “(F) the Director of the Office for Domes-  
6           tic Preparedness;

7           “(G) the Administrator of the United  
8           States Fire Administration; and

9           “(H) the Administrator of the Animal and  
10          Plant Health Inspection Service.

11          “(2) CHAIRMAN.—

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

14           “(B) EXERCISE OF AUTHORITIES BY DEP-  
15          UTY SECRETARY.—The Deputy Secretary of  
16          Homeland Security may exercise the authorities  
17          of the Chairman, if the Secretary so directs.

18          “(b) FUNCTIONS OF UNDER SECRETARIES.—The  
19          Under Secretaries referred to in subsection (a)(1) shall  
20          seek to ensure that the relevant expertise and input of the  
21          staff of their directorates are available to and considered  
22          by the Board.

23          “(c) PRIORITIZATION OF GRANT APPLICATIONS.—

24           “(1) FACTORS TO BE CONSIDERED.—The  
25          Board shall evaluate and annually prioritize all

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

16 “(2) CRITICAL INFRASTRUCTURE SECTORS.—  
17 The Board specifically shall consider threats of ter-  
18 rorism against the following critical infrastructure  
19 sectors in all areas of the United States, urban and  
20 rural:

21 “(A) Agriculture and food.

22 “(B) Banking and finance.

23 “(C) Chemical industries.

24 “(D) The defense industrial base.

25 “(E) Emergency services.



- 1                   “(F) Energy.
- 2                   “(G) Government facilities.
- 3                   “(H) Postal and shipping.
- 4                   “(I) Public health and health care.
- 5                   “(J) Information technology.
- 6                   “(K) Telecommunications.
- 7                   “(L) Transportation systems.
- 8                   “(M) Water.
- 9                   “(N) Dams.
- 10                  “(O) Commercial facilities.
- 11                  “(P) National monuments and icons.

12           The order in which the critical infrastructure sectors  
13           are listed in this paragraph shall not be construed  
14           as an order of priority for consideration of the im-  
15           portance of such sectors.

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

- 21                   “(A) Biological threats.
- 22                   “(B) Nuclear threats.
- 23                   “(C) Radiological threats.
- 24                   “(D) Incendiary threats.
- 25                   “(E) Chemical threats.

1                   “(F) Explosives.

2                   “(G) Suicide bombers.

3                   “(H) Cyber threats.

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

7                   The order in which the types of threat are listed in  
8                   this paragraph shall not be construed as an order of  
9                   priority for consideration of the importance of such  
10                  threats.

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

21                  “(5) MINIMUM AMOUNTS.—After evaluating  
22                  and prioritizing grant applications under paragraph  
23                  (1), the Board shall ensure that, for each fiscal  
24                  year—

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

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

21           “(C) the Virgin Islands, American Samoa,  
22 Guam, and the Northern Mariana Islands each  
23 receives no less than 0.08 percent of the funds  
24 available for covered grants for that fiscal year  
25 for purposes of implementing its approved State

1 homeland security plan in accordance with the  
2 prioritization of needs under section  
3 1803(c)(1)(D); and

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

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

20 “(A) having a significant international  
21 land border; or

22 “(B) adjoining a body of water within  
23 North America through which an international  
24 boundary line extends.

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

6           **“SEC. 1805. TASK FORCE ON TERRORISM PREPAREDNESS**  
7                           **FOR FIRST RESPONDERS.**

8           “(a) ESTABLISHMENT.—To assist the Secretary in  
9 updating, revising, or replacing essential capabilities for  
10 terrorism preparedness, the Secretary shall establish an  
11 advisory body pursuant to section 871(a) not later than  
12 60 days after the date of the enactment of this section,  
13 which shall be known as the Task Force on Terrorism Pre-  
14 paredness for First Responders.

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

19           “(c) REPORT.—

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

1           “(2) CONTENTS.—Each report shall—

2                   “(A) include a priority ranking of essential  
3 capabilities in order to provide guidance to the  
4 Secretary and to the Congress on determining  
5 the appropriate allocation of, and funding levels  
6 for, first responder needs;

7                   “(B) set forth a methodology by which any  
8 State or local government will be able to deter-  
9 mine the extent to which it possesses or has ac-  
10 cess to the essential capabilities that States and  
11 local governments having similar risks should  
12 obtain;

13                   “(C) describe the availability of national  
14 voluntary consensus standards, and whether  
15 there is a need for new national voluntary con-  
16 sensus standards, with respect to first re-  
17 sponder training and equipment;

18                   “(D) include such additional matters as  
19 the Secretary may specify in order to further  
20 the terrorism preparedness capabilities of first  
21 responders; and

22                   “(E) include such revisions to the contents  
23 of previous reports as are necessary to take into  
24 account changes in the most current risk as-  
25 sessment available by the Directorate for Infor-

1           mation Analysis and Infrastructure Protection  
2           or other relevant information as determined by  
3           the Secretary.

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

12          “(4) COMPREHENSIVENESS.—The Task Force  
13          shall ensure that its recommendations regarding es-  
14          sential capabilities for terrorism preparedness are  
15          made within the context of a comprehensive State  
16          emergency management system.

17          “(5) PRIOR MEASURES.—The Task Force shall  
18          ensure that its recommendations regarding essential  
19          capabilities for terrorism preparedness take into ac-  
20          count any capabilities that State or local officials  
21          have determined to be essential and have undertaken  
22          since September 11, 2001, to prevent, prepare for,  
23          respond to, or recover from terrorist attacks.

24          “(d) MEMBERSHIP.—

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

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

15                  “(B) health scientists, emergency and in-  
16                  patient medical providers, and public health  
17                  professionals, including experts in emergency  
18                  health care response to chemical, biological, ra-  
19                  diological, and nuclear terrorism, and experts in  
20                  providing mental health care during emergency  
21                  response operations;

22                  “(C) experts from Federal, State, and local  
23                  governments, and the private sector, rep-  
24                  resenting standards-setting organizations, in-  
25                  cluding representation from the voluntary con-



1           sensus codes and standards development com-  
2           munity, particularly those with expertise in first  
3           responder disciplines; and

4           “(D) State and local officials with exper-  
5           tise in terrorism preparedness, subject to the  
6           condition that if any such official is an elected  
7           official representing one of the two major polit-  
8           ical parties, an equal number of elected officials  
9           shall be selected from each such party.

10          “(2) COORDINATION WITH THE DEPARTMENT  
11          OF HEALTH AND HEALTH SERVICES.—In the selec-  
12          tion of members of the Task Force who are health  
13          professionals, including emergency medical profes-  
14          sionals, the Secretary shall coordinate such selection  
15          with the Secretary of Health and Human Services.

16          “(3) EX OFFICIO MEMBERS.—The Secretary  
17          and the Secretary of Health and Human Services  
18          shall each designate one or more officers of their re-  
19          spective Departments to serve as ex officio members  
20          of the Task Force. One of the ex officio members  
21          from the Department of Homeland Security shall be  
22          the designated officer of the Federal Government for  
23          purposes of subsection (e) of section 10 of the Fed-  
24          eral Advisory Committee Act (5 App. U.S.C.).

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

7 **“SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY RE-**  
8 **QUIREMENTS.**

9           “(a) IN GENERAL.—A covered grant may be used  
10 for—

11               “(1) purchasing or upgrading equipment, in-  
12 cluding computer software, to enhance terrorism  
13 preparedness;

14               “(2) exercises to strengthen terrorism prepared-  
15 ness;

16               “(3) training for prevention (including detec-  
17 tion) of, preparedness for, response to, or recovery  
18 from attacks involving weapons of mass destruction,  
19 including training in the use of equipment and com-  
20 puter software;

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

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

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

9           “(7) additional personnel costs resulting from—

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

15           “(B) travel to and participation in exer-  
16 cises and training in the use of equipment and  
17 on prevention activities; and

18           “(C) the temporary replacement of per-  
19 sonnel during any period of travel to and par-  
20 ticipation in exercises and training in the use of  
21 equipment and on prevention activities;

22           “(8) the costs of equipment (including software)  
23 required to receive, transmit, handle, and store clas-  
24 sified information;

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

5                   “(A) \$1,000,000 per project; or

6                   “(B) such greater amount as may be ap-  
7 proved by the Secretary, which may not exceed  
8 10 percent of the total amount of the covered  
9 grant;

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

20           “(11) educational curricula development for  
21 first responders to ensure that they are prepared for  
22 terrorist attacks;

23           “(12) training and exercises to assist public ele-  
24 mentary and secondary schools in developing and  
25 implementing programs to instruct students regard-

1       ing age-appropriate skills to prevent, prepare for, re-  
2       spond to, mitigate against, or recover from an act of  
3       terrorism;

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

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

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

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

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

17              “(2) to construct buildings or other physical fa-  
18      cilities;

19              “(3) to acquire land; or

20              “(4) for any State or local government cost  
21      sharing contribution.

22      “(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this  
23      section shall be construed to preclude State and local gov-  
24      ernments from using covered grant funds in a manner  
25      that also enhances first responder preparedness for emer-

1 gencies and disasters unrelated to acts of terrorism, if  
2 such use assists such governments in achieving essential  
3 capabilities for terrorism preparedness established by the  
4 Secretary.

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

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

22       “(e) ASSISTANCE REQUIREMENT.—The Secretary  
23 may not require that equipment paid for, wholly or in part,  
24 with funds provided as a covered grant be made available  
25 for responding to emergencies in surrounding States, re-

1 gions, and localities, unless the Secretary undertakes to  
2 pay the costs directly attributable to transporting and op-  
3 erating such equipment during such response.

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

12 “(g) STATE, REGIONAL, AND TRIBAL RESPONSIBIL-  
13 ITIES.—

14 “(1) PASS-THROUGH.—The Secretary shall re-  
15 quire a recipient of a covered grant that is a State  
16 to obligate or otherwise make available to local gov-  
17 ernments, first responders, and other local groups,  
18 to the extent required under the State homeland se-  
19 curity plan or plans specified in the application for  
20 the grant, not less than 80 percent of the grant  
21 funds, resources purchased with the grant funds  
22 having a value equal to at least 80 percent of the  
23 amount of the grant, or a combination thereof, by  
24 not later than the end of the 45-day period begin-

1       ning on the date the grant recipient receives the  
2       grant funds.

3               “(2) COST SHARING.—

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

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

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

24                      “(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—  
25



1 Any State that receives a covered grant shall certify  
2 to the Secretary, by not later than 30 days after the  
3 expiration of the period described in paragraph (1)  
4 with respect to the grant, that the State has made  
5 available for expenditure by local governments, first  
6 responders, and other local groups the required  
7 amount of grant funds pursuant to paragraph (1).

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

17 “(A) the amount obligated to that recipient  
18 in that quarter;

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

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

23 “(5) ANNUAL REPORT ON HOMELAND SECUR-  
24 RITY SPENDING.—Each recipient of a covered grant  
25 shall submit an annual report to the Secretary not

1 later than 60 days after the end of each Federal fis-  
2 cal year. Each recipient of a covered grant that is  
3 a region must simultaneously submit its report to  
4 each State of which any part is included in the re-  
5 gion. Each recipient of a covered grant that is a di-  
6 rectly eligible tribe must simultaneously submit its  
7 report to each State within the boundaries of which  
8 any part of such tribe is located. Each report must  
9 include the following:

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

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

20 “(C) How the funds were utilized by each  
21 ultimate recipient or beneficiary during the pre-  
22 ceding fiscal year.

23 “(D) The extent to which essential capa-  
24 bilities identified in the applicable State home-  
25 land security plan or plans were achieved, main-

1           tained, or enhanced as the result of the expend-  
2           iture of grant funds during the preceding fiscal  
3           year.

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

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

14          “(7) PROVISION OF REPORTS.—The Secretary  
15          shall ensure that each annual report under para-  
16          graph (5) is provided to the Under Secretary for  
17          Emergency Preparedness and Response and the Di-  
18          rector of the Office for Domestic Preparedness.

19          “(h) INCENTIVES TO EFFICIENT ADMINISTRATION  
20          OF HOMELAND SECURITY GRANTS.—

21          “(1) PENALTIES FOR DELAY IN PASSING  
22          THROUGH LOCAL SHARE.—If a recipient of a cov-  
23          ered grant that is a State fails to pass through to  
24          local governments, first responders, and other local  
25          groups funds or resources required by subsection

1 (g)(1) within 45 days after receiving funds under  
2 the grant, the Secretary may—

3 “(A) reduce grant payments to the grant  
4 recipient from the portion of grant funds that  
5 is not required to be passed through under sub-  
6 section (g)(1);

7 “(B) terminate payment of funds under  
8 the grant to the recipient, and transfer the ap-  
9 propriate portion of those funds directly to local  
10 first responders that were intended to receive  
11 funding under that grant; or

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

15 “(i) prohibiting use of such funds to  
16 pay the grant recipient’s grant-related  
17 overtime or other expenses;

18 “(ii) requiring the grant recipient to  
19 distribute to local government beneficiaries  
20 all or a portion of grant funds that are not  
21 required to be passed through under sub-  
22 section (g)(1); or

23 “(iii) for each day that the grant re-  
24 cipient fails to pass through funds or re-  
25 sources in accordance with subsection

1 (g)(1), reducing grant payments to the  
2 grant recipient from the portion of grant  
3 funds that is not required to be passed  
4 through under subsection (g)(1), except  
5 that the total amount of such reduction  
6 may not exceed 20 percent of the total  
7 amount of the grant.

8 “(2) EXTENSION OF PERIOD.—The Governor of  
9 a State may request in writing that the Secretary  
10 extend the 45-day period under section  
11 1803(e)(5)(E) or paragraph (1) for an additional  
12 15-day period. The Secretary may approve such a  
13 request, and may extend such period for additional  
14 15-day periods, if the Secretary determines that the  
15 resulting delay in providing grant funding to the  
16 local government entities that will receive funding  
17 under the grant will not have a significant detri-  
18 mental impact on such entities’ terrorism prepared-  
19 ness efforts.

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

22 “(A) IN GENERAL.—The Secretary may  
23 upon request by a local government pay to the  
24 local government a portion of the amount of a

1 covered grant awarded to a State in which the  
2 local government is located, if—

3 “(i) the local government will use the  
4 amount paid to expedite planned enhance-  
5 ments to its terrorism preparedness as de-  
6 scribed in any applicable State homeland  
7 security plan or plans;

8 “(ii) the State has failed to pass  
9 through funds or resources in accordance  
10 with subsection (g)(1); and

11 “(iii) the local government complies  
12 with subparagraphs (B) and (C).

13 “(B) SHOWING REQUIRED.—To receive a  
14 payment under this paragraph, a local govern-  
15 ment must demonstrate that—

16 “(i) it is identified explicitly as an ul-  
17 timate recipient or intended beneficiary in  
18 the approved grant application;

19 “(ii) it was intended by the grantee to  
20 receive a severable portion of the overall  
21 grant for a specific purpose that is identi-  
22 fied in the grant application;

23 “(iii) it petitioned the grantee for the  
24 funds or resources after expiration of the  
25 period within which the funds or resources

1                   were required to be passed through under  
2                   subsection (g)(1); and

3                   “(iv) it did not receive the portion of  
4                   the overall grant that was earmarked or  
5                   designated for its use or benefit.

6                   “(C) EFFECT OF PAYMENT.—Payment of  
7                   grant funds to a local government under this  
8                   paragraph—

9                   “(i) shall not affect any payment to  
10                  another local government under this para-  
11                  graph; and

12                  “(ii) shall not prejudice consideration  
13                  of a request for payment under this para-  
14                  graph that is submitted by another local  
15                  government.

16                  “(D) DEADLINE FOR ACTION BY SEC-  
17                  RETARY.—The Secretary shall approve or dis-  
18                  approve each request for payment under this  
19                  paragraph by not later than 15 days after the  
20                  date the request is received by the Department.

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

24                  “(1) describing in detail the amount of Federal  
25                  funds provided as covered grants that were directed

1 to each State, region, and directly eligible tribe in  
2 the preceding fiscal year;

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

5 “(3) describing—

6 “(A) the Nation’s progress in achieving,  
7 maintaining, and enhancing the essential capa-  
8 bilities established by the Secretary as a result  
9 of the expenditure of covered grant funds dur-  
10 ing the preceding fiscal year; and

11 “(B) an estimate of the amount of expend-  
12 itures required to attain across the United  
13 States the essential capabilities established by  
14 the Secretary.

15 **“SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER**  
16 **EQUIPMENT AND TRAINING.**

17 “(a) EQUIPMENT STANDARDS.—

18 “(1) IN GENERAL.—The Secretary, in consulta-  
19 tion with the Under Secretaries for Emergency Pre-  
20 paredness and Response and Science and Tech-  
21 nology and the Director of the Office for Domestic  
22 Preparedness, shall, not later than 6 months after  
23 the date of the enactment of this section, support  
24 the development of, promulgate, and update as nec-  
25 essary national voluntary consensus standards for



1 the performance, use, and validation of first re-  
2 sponder equipment for purposes of section  
3 1805(e)(7). Such standards—

4 “(A) shall be, to the maximum extent prac-  
5 ticable, consistent with any existing voluntary  
6 consensus standards;

7 “(B) shall take into account, as appro-  
8 priate, new types of terrorism threats that may  
9 not have been contemplated when such existing  
10 standards were developed;

11 “(C) shall be focused on maximizing inter-  
12 operability, interchangeability, durability, flexi-  
13 bility, efficiency, efficacy, portability, sustain-  
14 ability, and safety; and

15 “(D) shall cover all appropriate uses of the  
16 equipment.

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

21 “(A) Thermal imaging equipment.

22 “(B) Radiation detection and analysis  
23 equipment.

24 “(C) Biological detection and analysis  
25 equipment.

1           “(D) Chemical detection and analysis  
2 equipment.

3           “(E) Decontamination and sterilization  
4 equipment.

5           “(F) Personal protective equipment, in-  
6 cluding garments, boots, gloves, and hoods and  
7 other protective clothing.

8           “(G) Respiratory protection equipment.

9           “(H) Interoperable communications, in-  
10 cluding wireless and wireline voice, video, and  
11 data networks.

12           “(I) Explosive mitigation devices and ex-  
13 plosive detection and analysis equipment.

14           “(J) Containment vessels.

15           “(K) Contaminant-resistant vehicles.

16           “(L) Such other equipment for which the  
17 Secretary determines that national voluntary  
18 consensus standards would be appropriate.

19           “(b) TRAINING STANDARDS.—

20           “(1) IN GENERAL.—The Secretary, in consulta-  
21 tion with the Under Secretaries for Emergency Pre-  
22 paredness and Response and Science and Tech-  
23 nology and the Director of the Office for Domestic  
24 Preparedness, shall support the development of, pro-  
25 mulgate, and regularly update as necessary national

1 voluntary consensus standards for first responder  
2 training carried out with amounts provided under  
3 covered grant programs, that will enable State and  
4 local government first responders to achieve optimal  
5 levels of terrorism preparedness as quickly as prac-  
6 ticable. Such standards shall give priority to pro-  
7 viding training to—

8 “(A) enable first responders to prevent,  
9 prepare for, respond to, mitigate against, and  
10 recover from terrorist threats, including threats  
11 from chemical, biological, nuclear, and radio-  
12 logical weapons and explosive devices capable of  
13 inflicting significant human casualties; and

14 “(B) familiarize first responders with the  
15 proper use of equipment, including software,  
16 developed pursuant to the standards established  
17 under subsection (a).

18 “(2) REQUIRED CATEGORIES.—In carrying out  
19 paragraph (1), the Secretary specifically shall in-  
20 clude the following categories of first responder ac-  
21 tivities:

22 “(A) Regional planning.

23 “(B) Joint exercises.

24 “(C) Intelligence collection, analysis, and  
25 sharing.

1                   “(D) Emergency notification of affected  
2                   populations.

3                   “(E) Detection of biological, nuclear, radi-  
4                   ological, and chemical weapons of mass destruc-  
5                   tion.

6                   “(F) Such other activities for which the  
7                   Secretary determines that national voluntary  
8                   consensus training standards would be appro-  
9                   priate.

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

14                  “(c) CONSULTATION WITH STANDARDS ORGANIZA-  
15                  TIONS.—In establishing national voluntary consensus  
16                  standards for first responder equipment and training  
17                  under this section, the Secretary shall consult with rel-  
18                  evant public and private sector groups, including—

19                   “(1) the National Institute of Standards and  
20                   Technology;

21                   “(2) the National Fire Protection Association;

22                   “(3) the National Association of County and  
23                   City Health Officials;

24                   “(4) the Association of State and Territorial  
25                   Health Officials;

1           “(5) the American National Standards Insti-  
2           tute;

3           “(6) the National Institute of Justice;

4           “(7) the Inter-Agency Board for Equipment  
5           Standardization and Interoperability;

6           “(8) the National Public Health Performance  
7           Standards Program;

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

10          “(10) ASTM International;

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

13          “(12) the Emergency Management Accredita-  
14          tion Program; and

15          “(13) to the extent the Secretary considers ap-  
16          propriate, other national voluntary consensus stand-  
17          ards development organizations, other interested  
18          Federal, State, and local agencies, and other inter-  
19          ested persons.

20          “(d) COORDINATION WITH SECRETARY OF HHS.—

21 In establishing any national voluntary consensus stand-  
22 ards under this section for first responder equipment or  
23 training that involve or relate to health professionals, in-  
24 cluding emergency medical professionals, the Secretary

1 shall coordinate activities under this section with the Sec-  
2 retary of Health and Human Services.”.

3 (b) DEFINITION OF EMERGENCY RESPONSE PRO-  
4 VIDERS.—Paragraph (6) of section 2 of the Homeland Se-  
5 curity Act of 2002 (Public Law 107–296; 6 U.S.C.  
6 101(6)) is amended by striking “includes” and all that  
7 follows and inserting “includes Federal, State, and local  
8 governmental and nongovernmental emergency public  
9 safety, law enforcement, fire, emergency response, emer-  
10 gency medical (including hospital emergency facilities),  
11 and related personnel, organizations, agencies, and au-  
12 thorities.”.

13 **SEC. 114. SUPERSEDED PROVISION.**

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

16 **SEC. 115. OVERSIGHT.**

17 The Secretary of Homeland Security shall establish  
18 within the Office for Domestic Preparedness an Office of  
19 the Comptroller to oversee the grants distribution process  
20 and the financial management of the Office for Domestic  
21 Preparedness.

1 **SEC. 116. GAO REPORT ON AN INVENTORY AND STATUS OF**  
2 **HOMELAND SECURITY FIRST RESPONDER**  
3 **TRAINING.**

4 (a) IN GENERAL.—The Comptroller General of the  
5 United States shall report to Congress in accordance with  
6 this section—

7 (1) on the overall inventory and status of first  
8 responder training programs of the Department of  
9 Homeland Security and other departments and  
10 agencies of the Federal Government; and

11 (2) the extent to which such programs are co-  
12 ordinated.

13 (b) CONTENTS OF REPORTS.—The reports under this  
14 section shall include—

15 (1) an assessment of the effectiveness of the  
16 structure and organization of such training pro-  
17 grams;

18 (2) recommendations to—

19 (A) improve the coordination, structure,  
20 and organization of such training programs;  
21 and

22 (B) increase the availability of training to  
23 first responders who are not able to attend cen-  
24 tralized training programs;

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

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

6           (5) a description of the use of State and local  
7           training institutions, universities, centers, and the  
8           National Domestic Preparedness Consortium in de-  
9           signing and providing training;

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

13          (7) an assessment of the approval process for  
14          certifying non-Department of Homeland Security  
15          training courses that are useful for anti-terrorism  
16          purposes as eligible for grants awarded by the De-  
17          partment;

18          (8) a description of the use of Department of  
19          Homeland Security grant funds by States and local  
20          governments to acquire training;

21          (9) an analysis of the feasibility of Federal,  
22          State, and local personnel to receive the training  
23          that is necessary to adopt the National Response  
24          Plan and the National Incident Management Sys-  
25          tem; and



1           (10) the role of each first responder training in-  
2           stitution within the Department of Homeland Secu-  
3           rity in the design and implementation of terrorism  
4           preparedness and related training courses for first  
5           responders.

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

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

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

13 **SEC. 117. REMOVAL OF CIVIL LIABILITY BARRIERS THAT**  
14                   **DISCOURAGE THE DONATION OF FIRE EQUIP-**  
15                   **MENT TO VOLUNTEER FIRE COMPANIES.**

16          (a) LIABILITY PROTECTION.—A person who donates  
17          fire control or fire rescue equipment to a volunteer fire  
18          company shall not be liable for civil damages under any  
19          State or Federal law for personal injuries, property dam-  
20          age or loss, or death caused by the equipment after the  
21          donation.

22          (b) EXCEPTIONS.—Subsection (a) does not apply to  
23          a person if—

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

4           (2) the person is the manufacturer of the fire  
5           control or fire rescue equipment.

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

13          (d) DEFINITIONS.—In this section:

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

16           (2) FIRE CONTROL OR RESCUE EQUIPMENT.—  
17           The term “fire control or fire rescue equipment” in-  
18           cludes any fire vehicle, fire fighting tool, communica-  
19           tions equipment, protective gear, fire hose, or  
20           breathing apparatus.

21           (3) STATE.—The term “State” includes the  
22           several States, the District of Columbia, the Com-  
23           monwealth of Puerto Rico, the Commonwealth of the  
24           Northern Mariana Islands, American Samoa, Guam,  
25           the Virgin Islands, any other territory or possession

1 of the United States, and any political subdivision of  
2 any such State, territory, or possession.

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

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

## 16 **Subtitle B—Transportation** 17 **Security**

### 18 **SEC. 121. REPORT ON NATIONAL STRATEGY FOR TRANS-** 19 **PORTATION SECURITY.**

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 completion of a national strategy for transportation se-  
3 curity. Such report 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 such  
4 subsection (e) have been implemented and whether the  
5 policy goals described in subsection (a) have been  
6 achieved.

7 **SEC. 122. REPORT ON AIRLINE PASSENGER PRE-SCREEN-**  
8 **ING.**

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

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

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

24 (A) the steps taken to implement such rec-  
25 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. 123. REPORT ON DETECTION OF EXPLOSIVES AT AIR-**  
21 **LINE SCREENING CHECKPOINTS.**

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 the improvement of airline screening checkpoints to de-  
5 tect explosives. 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. 124. REPORT ON COMPREHENSIVE SCREENING PRO-**  
10                                   **GRAM.**

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 Transportation shall  
14 submit to the relevant congressional committees a report  
15 on the recommendations of the 9/11 Commission and the  
16 policy goals of the Intelligence Reform and Terrorism Pre-  
17 vention Act of 2004 (Public Law 108–458) with respect  
18 to implementation of a comprehensive screening program.  
19 Such report shall include—

- 20                   (1) a certification by the Secretary of Transpor-  
21 tation that such recommendations have been imple-  
22 mented and such policy goals have been achieved; or  
23                   (2) if the Secretary of Transportation is unable  
24 to make the certification described in paragraph (1),  
25 a description of—



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

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

6 (C) any allocation of resources or other ac-  
7 tions by Congress the Secretary considers nec-  
8 essary to implement such recommendations and  
9 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 Transportation submits a certifi-  
13 cation pursuant to subsection (a)(1).

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

22 **SEC. 125. RELEVANT CONGRESSIONAL COMMITTEES DE-**  
23 **FINED.**

24 In this subtitle, the term “relevant congressional  
25 committees” means—

1           (1) the Committee on Homeland Security of the  
2           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           Government Affairs of the Senate; and

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

## 11           **Subtitle C—Border Security**

### 12          **SEC. 131. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

13          (a) REPORT; CERTIFICATION.—Not later than 30  
14          days after the date of the enactment of this Act, and every  
15          30 days thereafter, the Director of the National  
16          Counterterrorism Center shall submit to the relevant con-  
17          gressional committees a report on the recommendations  
18          of the 9/11 Commission and the policy goals of the Intel-  
19          ligence Reform and Terrorism Prevention Act of 2004  
20          (Public Law 108–458) with respect to improving collection  
21          and analysis of intelligence on terrorist travel. Each such  
22          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 Director of the National  
2 Counterterrorism Center is unable to make the cer-  
3 tification described in paragraph (1), a description  
4 of—

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

7                   (B) when such recommendations are ex-  
8 pected 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 considered necessary to im-  
12 plement such recommendations and achieve  
13 such policy goals.

14       (b) **TERMINATION OF DUTY TO REPORT.**—The duty  
15 of the Director of the National Counterterrorism Center  
16 to submit a report under subsection (a) shall terminate  
17 when the Secretary submits a certification pursuant to  
18 subsection (a)(1). The duty of the Director of National  
19 Intelligence to submit a report under subsection (a) shall  
20 terminate when the Director submits a certification pursu-  
21 ant to subsection (a)(1).

22       (c) **GAO REVIEW OF CERTIFICATION.**—If the Direc-  
23 tor of the National Counterterrorism submits a certifi-  
24 cation pursuant to subsection (a)(1), not later than 30  
25 days after the submission of such certification, the Comp-

1 troller General shall submit to the relevant congressional  
2 committees a report on whether the recommendations de-  
3 scribed in subsection (a) have been implemented and  
4 whether the policy goals described in subsection (a) have  
5 been achieved.

6 (d) 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 Transportation and In-  
14 frastructure of the House of Representatives.

15 (4) The Committee on Homeland Security and  
16 Governmental Affairs of the Senate.

17 (5) The Committee on Environment and Public  
18 Works of the Senate.

19 (6) The Select Committee on Intelligence of the  
20 Senate.

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

23 **SEC. 132. COMPREHENSIVE SCREENING SYSTEM.**

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 Transportation shall each submit to  
3 the relevant congressional committees a report on the rec-  
4 ommendations of the 9/11 Commission and the policy  
5 goals of the Intelligence Reform and Terrorism Prevention  
6 Act of 2004 (Public Law 108–458) with respect to the  
7 establishment of the comprehensive screening system de-  
8 scribed in Presidential Homeland Security Directive 11  
9 (dated August 27, 2004). Each such report shall include—

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

13 (2) if either the Secretary of Homeland Secu-  
14 rity or the Secretary of Transportation is unable to  
15 make the certification described in paragraph (1), a  
16 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 considered necessary to im-  
24 plement such recommendations and achieve  
25 such policy goals.

1           (b) TERMINATION OF DUTY TO REPORT.—The duty  
2 of the Secretary of Homeland Security to submit a report  
3 under subsection (a) shall terminate when the Secretary  
4 of Homeland Security submits a certification pursuant to  
5 subsection (a)(1). The duty of the Secretary of Transpor-  
6 tation to submit a report under subsection (a) shall termi-  
7 nate when the Secretary of Transportation submits a cer-  
8 tification pursuant to subsection (a)(1).

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

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

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

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

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

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

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

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

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 Homeland Security  
11          shall submit to the relevant congressional committees a  
12          report on the recommendations of the 9/11 Commission  
13          and the policy goals of the Intelligence Reform and Ter-  
14          rorism Prevention Act of 2004 (Public Law 108–458)  
15          with respect to the completion of a biometric entry and  
16          exit data system. Each such report shall include—

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

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

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

1                   (B) when such recommendations are ex-  
2                   pected to be implemented and such policy goals  
3                   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 Homeland Security submits a cer-  
11 tification pursuant to subsection (a)(1).

12           (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-  
13 retary of Homeland Security submits a certification pursu-  
14 ant to subsection (a)(1), not later than 30 days after the  
15 submission 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           (d) **RELEVANT CONGRESSIONAL COMMITTEES DE-**  
21 **FINED.**—In this section, the term “relevant congressional  
22 committees” means the following:

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



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

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

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

7           (5) The Committee on the Judiciary of the Sen-  
8           ate.

9   **SEC. 134. INTERNATIONAL COLLABORATION ON BORDER**  
10                                   **AND DOCUMENT SECURITY.**

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   and the Secretary of State shall each submit to the rel-  
15   evant congressional committees a report on the rec-  
16   ommendations of the 9/11 Commission and the policy  
17   goals of the Intelligence Reform and Terrorism Prevention  
18   Act of 2004 (Public Law 108–458) with respect to inter-  
19   national collaboration on border and document security.  
20   Each such report shall include—

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

24           (2) if either the Secretary of Homeland Secu-  
25           rity or the Secretary of State is unable to make the

1 certification described in paragraph (1), a descrip-  
2 tion of—

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

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

8 (C) any allocation of resources or other ac-  
9 tions by Congress considered necessary to im-  
10 plement such recommendations and achieve  
11 such policy goals.

12 (b) **TERMINATION OF DUTY TO REPORT.**—The duty  
13 of the Secretary of Homeland Security to submit a report  
14 under subsection (a) shall terminate when the Secretary  
15 of Homeland Security submits a certification pursuant to  
16 subsection (a)(1). The duty of the Secretary of State to  
17 submit a report under subsection (a) shall terminate when  
18 the Secretary of State submits a certification pursuant to  
19 subsection (a)(1).

20 (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-  
21 retary of Homeland Security and the Secretary of State  
22 both submit certifications pursuant to subsection (a)(1),  
23 not later than 30 days after the submission of such certifi-  
24 cations, the Comptroller General shall submit to the rel-  
25 evant congressional committees a report on whether the

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

4 (d) WATCH LIST.—The Comptroller General shall  
5 submit to the relevant congressional committees a report  
6 assessing the sharing of the consolidated and integrated  
7 terrorist watch list maintained by the Federal Government  
8 with countries designated to participate in the visa waiver  
9 program established under section 217 of the Immigration  
10 and Nationality Act (8 U.S.C. 1187).

11 (e) FINGERPRINTING IN DOMESTIC AND FOREIGN  
12 PASSPORTS.—

13 (1) USE IN UNITED STATES PASSPORTS.—

14 (A) IN GENERAL.—Section 215(b) of the  
15 Immigration and Nationality Act (8 U.S.C.  
16 1185(b)) is amended by inserting after “pass-  
17 port” the following: “that contains the finger-  
18 prints of the citizen involved”.

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

23 (2) USE IN FOREIGN PASSPORTS.—

24 (A) IN GENERAL.—Section 212(a)(7) of  
25 such Act (8 U.S.C. 1182(a)(7)) is amended by

1 adding at the end the following new subpara-  
2 graph:

3 “(C) REQUIREMENT FOR FINGERPRINTS  
4 ON PASSPORTS.—No passport of an alien shall  
5 be considered valid for purposes of subpara-  
6 graph (A) or (B) unless the passport contains  
7 the fingerprints of the alien.”.

8 (B) EFFECTIVE DATE.—The amendment  
9 made by subparagraph (A) shall apply to aliens  
10 applying for admission to the United States on  
11 or after the date that is 90 days after the date  
12 of the enactment of this Act.

13 (f) 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 International Rela-  
21 tions of the House of Representatives.

22 (4) The Committee on the Judiciary of the  
23 House of Representatives.

24 (5) The Committee on Homeland Security and  
25 Governmental Affairs of the Senate.

1           (6) The Committee on the Judiciary of the Sen-  
2       ate.

3           (7) The Committee on Foreign Relations of the  
4       Senate.

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

6       (a) REPORT; CERTIFICATION.—Not later than 30  
7       days after the date of the enactment of this Act, and every  
8       30 days thereafter, the Secretary of Homeland Security  
9       and the Secretary of Health and Human Services shall  
10      each submit to the relevant congressional committees a re-  
11      port on the recommendations of the 9/11 Commission and  
12      the policy goals of the Intelligence Reform and Terrorism  
13      Prevention Act of 2004 (Public Law 108–458) with re-  
14      spect to the establishment of standardization of secure  
15      identification. Each such report shall include—

16           (1) a certification that such recommendations  
17      have been implemented and such policy goals have  
18      been achieved; or

19           (2) if either the Secretary of Homeland Secu-  
20      rity or the Secretary of Health and Human Services  
21      is 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 such recommendations are ex-  
2 pected to be implemented and such policy goals  
3 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 (1) for the Secretary of Homeland Security,  
11 when the Secretary of Homeland Security submits a  
12 certification pursuant to subsection (a)(1); and

13 (2) for the Secretary of Health and Human  
14 Services, when the Secretary of Health and Human  
15 Services submits a certification pursuant to sub-  
16 section (a)(1).

17 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
18 retary of Homeland Security and the Secretary of Health  
19 and Human Services submit certifications pursuant to  
20 subsection (a)(1), not later than 30 days after the submis-  
21 sion of such certifications, the Comptroller General shall  
22 submit to the relevant congressional committees a report  
23 on whether the recommendations described in subsection  
24 (a) have been implemented and whether the policy goals  
25 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 **SEC. 136. SECURITY ENHANCEMENTS FOR SOCIAL SECU-**  
16 **RITY CARDS.**

17 (a) REPORT; CERTIFICATION.—Not later than 30  
18 days after the date of the enactment of this Act, and every  
19 30 days thereafter, the Commissioner of Social Security  
20 shall submit to the relevant congressional committees a  
21 report on the recommendations of the 9/11 Commission  
22 and the policy goals of the Intelligence Reform and Ter-  
23 rorism Prevention Act of 2004 (Public Law 108–458)  
24 with respect to security enhancements for social security  
25 cards and the implementation of section

1 205(c)(2)(C)(iv)(II) of the Social Security Act (42 U.S.C.  
2 405(c)(2)(C)(iv)(II)) (as added by section 7214 of the In-  
3 telligence Reform and Terrorism Prevention Act of 2004  
4 (Public Law 108–458)). Each such report shall include—

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

8 (2) if the Commissioner of Social Security 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 such recommendations are ex-  
14 pected to be implemented and such policy goals  
15 to be achieved; and

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

20 (b) **TERMINATION OF DUTY TO REPORT.**—The duty  
21 to submit a report under subsection (a) shall terminate  
22 when the Commissioner of Social Security submits a cer-  
23 tification pursuant to subsection (a)(1).

24 (c) **GAO REVIEW OF CERTIFICATION.**—If the Com-  
25 missioner of Social Security submits a certification pursu-



1 ant to subsection (a)(1), not later than 30 days after the  
2 submission of such certification, the Comptroller General  
3 shall submit to the relevant congressional committees a  
4 report on whether the recommendations described in sub-  
5 section (a) have been implemented and whether the policy  
6 goals described in subsection (a) have been achieved.

7 (d) RELEVANT CONGRESSIONAL COMMITTEES DE-  
8 FINED.—In this section, 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 Committee on the Judiciary of the  
15 House of Representatives.

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

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

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

## 21 **Subtitle D—Homeland Security** 22 **Appropriations**

### 23 **SEC. 141. HOMELAND SECURITY APPROPRIATIONS.**

24 The following sums are appropriated, out of any  
25 money in the Treasury not otherwise appropriated, for the

1 Department of Homeland Security for the fiscal year end-  
2 ing September 30, 2007, and for other purposes, namely:

3 **CUSTOMS AND BORDER PROTECTION.**

4 For an additional amount for “Salaries and Ex-  
5 penses”, \$571,000,000 for necessary expenses for border  
6 security, including for air asset replacement and air oper-  
7 ations facilities upgrade, the acquisition, lease, mainte-  
8 nance, and operation of vehicles. construction, and radi-  
9 ation portal monitors.

10 **UNITED STATES CITIZENSHIP AND IMMIGRATION SERV-  
11 ICES.**

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

15 **TRANSPORTATION SECURITY ADMINISTRATION.**

16 For an additional amount for “Aviation Security”,  
17 \$305,000,000 for necessary expenses, of which—

18 (1) \$250,000,000 shall be made available for  
19 aviation security, including the procurement of ex-  
20 plosives monitoring equipment; and

21 (2) \$55,000,000 shall be made available for air  
22 cargo security, including cargo canine teams and in-  
23 spectors.

1 **UNITED STATES COAST GUARD.**

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

6 For an additional amount for “Operating Expenses”,  
7 \$23,000,000 for necessary expenses for additional inspec-  
8 tors at foreign and domestic ports.

9 **OFFICE FOR DOMESTIC PREPAREDNESS.**

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

13 (1) \$790,000,000 shall be made available for  
14 first responder grants;

15 (2) \$500,000,000 shall be made available for  
16 interoperability grants;

17 (3) \$100,000,000 shall be made available for  
18 chemical security grants;

19 (4) \$1,200,000,000 shall be made available for  
20 rail security grants;

21 (5) \$190,000,000 shall be made available for  
22 port security grants; and

23 (6) \$100,000,000 shall be made available for  
24 emergency management performance grants.

1 **FEDERAL EMERGENCY MANAGEMENT AGENCY.**

2 For an additional amount for “Readiness, Mitigation,  
3 Response, and Recovery”, \$50,000,000 for necessary ex-  
4 penses.

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

7 **TITLE II—REFORMING THE**  
8 **INSTITUTIONS OF GOVERNMENT**

9 **Subtitle A—Intelligence**  
10 **Community**

11 **SEC. 201. REPORT ON DIRECTOR OF NATIONAL INTEL-**  
12 **LIGENCE.**

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

22 (1) a certification by the Director of National  
23 Intelligence that such recommendations have been  
24 implemented and such policy goals have been  
25 achieved; or

1           (2) if the Director of National Intelligence 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 Director of National Intel-  
7                   ligence expects such recommendations to be im-  
8                   plemented 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 Director of National Intelligence submits a cer-  
17           tification pursuant to subsection (a)(1).

18           (c) **GAO REVIEW OF CERTIFICATION.**—If the Direc-  
19           tor of National Intelligence 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 (d) GAO REPORT ON DNI EXERCISE OF AUTHOR-  
2 ITY.—

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

8 (A) the Director of National Intelligence  
9 has been able to properly exercise the authority  
10 of the Office of the Director of National Intel-  
11 ligence, including budget and personnel author-  
12 ity; and

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

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

1 **SEC. 202. REPORT ON NATIONAL COUNTERTERRORISM**  
2 **CENTER.**

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 National Intelligence  
6 shall submit to the relevant congressional committees a  
7 report on the recommendations of the 9/11 Commission  
8 and the policy goals of the Intelligence Reform and Ter-  
9 rorism Prevention Act of 2004 (Public Law 108–458)  
10 with respect to the establishment of a National  
11 Counterterrorism Center. Such report shall include—

12 (1) a certification by the Director of National  
13 Intelligence that such recommendations have been  
14 implemented and such policy goals have been  
15 achieved; or

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

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

21 (B) when the Director of National Intel-  
22 ligence expects such recommendations to be im-  
23 plemented and such policy goals to be achieved;  
24 and

25 (C) any allocation of resources or other ac-  
26 tions by Congress the Director considers nec-

1            necessary to implement such recommendations and  
2            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 Director of National Intelligence submits a cer-  
6 tification pursuant to subsection (a)(1).

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

15 **SEC. 203. REPORT ON CREATION OF A FEDERAL BUREAU**  
16 **OF INVESTIGATION NATIONAL SECURITY**  
17 **WORKFORCE.**

18            (a) REPORT; CERTIFICATION.—Not later than 30  
19 days after the date of the enactment of this Act, and every  
20 30 days thereafter, the Director of the Federal Bureau  
21 of Investigation shall submit to the relevant congressional  
22 committees a report on the recommendations of the 9/11  
23 Commission and the policy goals of the Intelligence Re-  
24 form and Terrorism Prevention Act of 2004 (Public Law  
25 108–458) with respect to the creation of a Federal Bureau



1 of Investigation national security workforce. Such report  
2 shall include—

3 (1) a certification by the Director of the Fed-  
4 eral Bureau of Investigation that such recommenda-  
5 tions have been implemented and such policy goals  
6 have been achieved; or

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

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

12 (B) when the Director of the Federal Bu-  
13 reau of Investigation expects such recommenda-  
14 tions to be implemented and such policy goals  
15 to be achieved; and

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

21 (b) **TERMINATION OF DUTY TO REPORT.**—The duty  
22 to submit a report under subsection (a) shall terminate  
23 when the Director of the Federal Bureau of Investigation  
24 submits a certification pursuant to subsection (a)(1).

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

10          (d) GAO REPORT ON CREATION OF FBI NATIONAL  
11 SECURITY WORKFORCE.—

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

17           (A) there is a sense of urgency within the  
18 Federal Bureau of Investigation to create a na-  
19 tional security workforce to carry out the do-  
20 mestic counterterrorism mission of the Federal  
21 Bureau of Investigation;

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

24           (C) the culture of the Federal Bureau of  
25 Investigation allows the Federal Bureau of In-

1           vestigation to meet its new challenges and suc-  
2           ceed in its counterterrorism role.

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

12 **SEC. 204. REPORT ON NEW MISSIONS FOR THE DIRECTOR**  
13 **OF THE CENTRAL INTELLIGENCE AGENCY.**

14          (a) **REPORT; CERTIFICATION.**—Not later than 90  
15          days after the date of the enactment of this Act, and every  
16          90 days thereafter, the Director of National Intelligence  
17          shall submit to the relevant congressional committees a  
18          report on the recommendations of the 9/11 Commission  
19          and the policy goals of the Intelligence Reform and Ter-  
20          rorism Prevention Act of 2004 (Public Law 108–458)  
21          with respect to the new mission of the Director of the Cen-  
22          tral Intelligence Agency. Such report shall include—

23                  (1) a certification by the Director of National  
24          Intelligence that such recommendations have been

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

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

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

8 (B) when the Director of National Intel-  
9 ligence expects such recommendations to be im-  
10 plemented and such policy goals to be achieved;  
11 and

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

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

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

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

3 (d) GAO REPORT ON DIRECTOR OF THE CENTRAL  
4 INTELLIGENCE AGENCY.—

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

13 (2) TERMINATION.—The duty to submit a re-  
14 port under paragraph (1) shall terminate when the  
15 Comptroller General certifies to the relevant con-  
16 gressional committees that the recommendations of  
17 the 9/11 Commission and the policy goals of the In-  
18 telligence Reform and Terrorism Prevention Act of  
19 2004 (Public Law 108–458) with respect to the Di-  
20 rector of the Central Intelligence Agency have been  
21 achieved.

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

1           (1) regularly evaluate the effectiveness of the  
2           national clandestine service structure to determine if  
3           it improves coordination of human intelligence collec-  
4           tion operations and produces better intelligence re-  
5           sults; and

6           (2) address morale and personnel issues at the  
7           Central Intelligence Agency to ensure the Central  
8           Intelligence Agency remains an effective arm of na-  
9           tional power.

10 **SEC. 205. REPORT ON INCENTIVES FOR INFORMATION**  
11 **SHARING.**

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 Office of Manage-  
15 ment and Budget, in consultation with the Director of Na-  
16 tional Intelligence and the Program Manager for the In-  
17 formation Sharing Environment, shall submit to the rel-  
18 evant congressional committees a report on the rec-  
19 ommendations of the 9/11 Commission and the policy  
20 goals of the Intelligence Reform and Terrorism Prevention  
21 Act of 2004 (Public Law 108–458) with respect to the  
22 provision of affirmative incentives for information sharing,  
23 and for reducing disincentives to information sharing,  
24 across the Federal Government and with State and local  
25 authorities. Such report shall include—

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

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

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

10           (B) when the Director of National Intel-  
11 ligence and the Program Manager for the Infor-  
12 mation Sharing Environment expect 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 Director 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 Director of the Office of Management and Budg-  
22 et submits a certification pursuant to subsection (a)(1).

23           (c) **GAO REVIEW OF CERTIFICATION.**—If the Direc-  
24 tor of the Office of Management and Budget submits a  
25 certification pursuant to subsection (a)(1), not later than

1 30 days after the submission of such certification, the  
2 Comptroller General shall submit to the relevant congress-  
3 sional committees a report on whether the recommenda-  
4 tions described in subsection (a) have been implemented  
5 and whether the policy goals described in subsection (a)  
6 have been achieved.

7 **SEC. 206. REPORT ON PRESIDENTIAL LEADERSHIP OF NA-**  
8 **TIONAL SECURITY INSTITUTIONS IN THE IN-**  
9 **FORMATION REVOLUTION.**

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 Director of the Office of Manage-  
13 ment and Budget, in consultation with the Director of Na-  
14 tional Intelligence and the Program Manager for the In-  
15 formation Sharing Environment, shall submit to the rel-  
16 evant congressional committees a report on the rec-  
17 ommendations of the 9/11 Commission and the policy  
18 goals of the Intelligence Reform and Terrorism Prevention  
19 Act of 2004 (Public Law 108–458) with respect to the  
20 leadership of the President of national security institu-  
21 tions into the information revolution. Such report shall in-  
22 clude—

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



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

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

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

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

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

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

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

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

4 (d) GAO REPORT ON INFORMATION SYSTEMS.—

5 (1) ANNUAL REPORT.—Not later than 90 days  
6 after the date of the enactment of this Act, and an-  
7 nually thereafter, the Comptroller General shall sub-  
8 mit to the relevant congressional committees a re-  
9 port on whether the departments and agencies of the  
10 Federal Government have the resources and Presi-  
11 dential support to change information systems to en-  
12 able information sharing, policies and procedures  
13 that compel sharing, and systems of performance  
14 evaluation to inform personnel on how well they  
15 carry out information sharing.

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

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

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

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

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

3 (c) SPECIFIED CONGRESSIONAL COMMITTEES DE-  
4 FINED.—In this section, the term “specified congressional  
5 committees” means—

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

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

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

17 (a) FINDINGS.—Consistent with the report of the 9/  
18 11 Commission, Congress makes the following findings:

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

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

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

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

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

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

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

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

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

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

17       In this subtitle, the term “relevant congressional  
18      committees” means the following:

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

21           (2) The Committee on Government Reform, of  
22      the House of Representatives.

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

1           (4) The Committee on Homeland Security and  
2           Government Affairs of the Senate.

3           (5) The Select Committee on Intelligence of the  
4           Senate.

5           **Subtitle B—Civil Liberties and**  
6           **Executive Power**

7           **SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY**  
8           **AND CIVIL LIBERTIES.**

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

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

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

24                         (A) the steps taken to implement such rec-  
25                         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)(1), 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 subsection (a) have been  
18 implemented and whether the policy goals described in  
19 subsection (a) have been achieved.

20 **SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**  
21 **BOARD.**

22 (a) **SHORT TITLE.**—This section may be cited as the  
23 “9/11 Commission Civil Liberties Board Act”.

24 (b) **FINDINGS.**—Congress makes the following find-  
25 ings:



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

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

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

22           (4) On December 17, 2004, Public Law 108–  
23 458, the National Intelligence Reform Act, was  
24 signed into law. This law created a civil liberties

1 board that does not have the authority necessary to  
2 protect civil liberties.

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

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

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

17 (c) MAKING THE PRIVACY AND CIVIL LIBERTIES  
18 OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of  
19 the Intelligence Reform and Terrorism Prevention Act of  
20 2004 is amended by striking “within the Executive Office  
21 of the President” and inserting “as an independent agency  
22 within the Executive branch”.

23 (d) REQUIRING ALL MEMBERS OF THE PRIVACY AND  
24 CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY  
25 THE SENATE.—Subsection (e) of section 1061 of the In-

1 telligence Reform and Terrorism Prevention Act of 2004  
2 is amended to read as follows:

3 “(e) MEMBERSHIP.—

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

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

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

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

1           “(A) a member appointed to a term of of-  
2           fice after the commencement of such term may  
3           serve under such appointment only for the re-  
4           mainder of such term;

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

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

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

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

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

1 (e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL  
2 LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the  
3 Intelligence Reform and Terrorism Prevention Act of  
4 2004 is amended—

5 (1) so that subparagraph (D) of paragraph (1)  
6 reads as follows:

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

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

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

23 (f) REPORTING REQUIREMENTS.—

24 (1) DUTIES OF BOARD.—Paragraph (4) of sec-  
25 tion 1061(c) of the Intelligence Reform and Ter-



1           Such reports shall be in unclassified form  
2           to the greatest extent possible, with a clas-  
3           sified annex where necessary.

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

7                   “(I) a description of the major  
8                   activities of the Board during the pre-  
9                   ceding period;

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

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

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

1                   “(B) INFORMING THE PUBLIC.—The  
2           Board shall—

3                   “(i) make its reports, including its re-  
4                   ports to Congress, available to the public  
5                   to the greatest extent that is consistent  
6                   with the protection of classified informa-  
7                   tion and applicable law; and

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

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

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

18                  “(a) DESIGNATION AND FUNCTIONS.—The Attorney  
19                  General, the Secretary of Defense, the Secretary of State,  
20                  the Secretary of the Treasury, the Secretary of Health and  
21                  Human Services, the Secretary of Homeland Security, the  
22                  National Intelligence Director, the Director of the Central  
23                  Intelligence Agency, any other entity within the intel-  
24                  ligence community (as defined in section 3 of the National  
25                  Security Act of 1947 (50 U.S.C. 401a)), and the head of



1 any other department, agency, or element of the executive  
2 branch designated by the Privacy and Civil Liberties Over-  
3 sight Board to be appropriate for coverage under this sec-  
4 tion shall designate not less than 1 senior officer to—

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

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

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

24          “(4) in providing advice on proposals to retain  
25          or enhance a particular governmental power the offi-

1 cer shall consider whether such department, agency,  
2 or element has established—

3 “(A) that the power actually enhances se-  
4 curity and the need for the power is balanced  
5 with the need to protect privacy and civil lib-  
6 erties;

7 “(B) that there is adequate supervision of  
8 the use by such department, agency, or element  
9 of the power to ensure protection of privacy and  
10 civil liberties; and

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

13 “(b) EXCEPTION TO DESIGNATION AUTHORITY.—

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

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

1           “(c) SUPERVISION AND COORDINATION.—Each pri-  
2 vacy officer or civil liberties officer described in subsection  
3 (a) or (b) shall—

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

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

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

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

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

16           “(3) is consulted by decisionmakers; and

17           “(4) is given access to material and personnel  
18 the officer determines to be necessary to carry out  
19 the functions of such officer.

20           “(e) REPRISAL FOR MAKING COMPLAINT.—No ac-  
21 tion constituting a reprisal, or threat of reprisal, for mak-  
22 ing a complaint or for disclosing information to a privacy  
23 officer or civil liberties officer described in subsection (a)  
24 or (b), or to the Privacy and Civil Liberties Oversight  
25 Board, that indicates a possible violation of privacy protec-

1 tions or civil liberties in the administration of the pro-  
2 grams and operations of the Federal Government relating  
3 to efforts to protect the Nation from terrorism shall be  
4 taken by any Federal employee in a position to take such  
5 action, unless the complaint was made or the information  
6 was disclosed with the knowledge that it was false or with  
7 willful disregard for its truth or falsity.

8 “(f) PERIODIC REPORTS.—

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

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

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

1           “(iii) to the Privacy and Civil Liberties  
2 Oversight Board; and

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

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

10           “(A) information on the number and types  
11 of reviews undertaken;

12           “(B) the type of advice provided and the  
13 response given to such advice;

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

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

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

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

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

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

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

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

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

24          “(h) REPORT; CERTIFICATION.—

1           (1) REPORT.—Not later than 30 days after the  
2           date of the enactment of this Act, and every 30 days  
3           thereafter, the Attorney General shall submit to the  
4           relevant congressional committees a report on the  
5           extent to which the Administration has achieved and  
6           implemented the policy goals of Public Law 108–458  
7           and the recommendations of the 9/11 Commission  
8           regarding the implementation of the Privacy and  
9           Civil Liberties Oversight Board. Such report shall  
10          include—

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

15                   (B) if the Attorney General is unable to  
16                   make the certification described in subpara-  
17                   graph (A), a description of—

18                           (i) the steps taken to implement such  
19                           recommendations and achieve such policy  
20                           goals;

21                           (ii) when the Attorney General ex-  
22                           pects such recommendations to be imple-  
23                           mented and such policy goals to be  
24                           achieved; and

1 (iii) any allocation of resources or  
2 other actions by Congress the Attorney  
3 General considers necessary to implement  
4 such recommendations and achieve such  
5 policy goals.

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

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

19 **SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT**  
20 **SHARING OF PERSONAL INFORMATION.**

21 (a) REPORT.—Not later than 30 days after the date  
22 of the enactment of this Act, and every 30 days thereafter,  
23 the Attorney General shall submit to the relevant congres-  
24 sional committees a report on the extent to which the Ad-  
25 ministration has achieved and implemented the policy



1 goals of Public Law 108–458 and the recommendations  
2 of the 9/11 Commission regarding the privacy guidelines  
3 for government sharing of personal information. Such re-  
4 port shall include—

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

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

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

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

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

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

24 (c) **GAO REVIEW OF CERTIFICATION.**—If the Attor-  
25 ney General submits a certification pursuant to subsection

1 (a), not later than 30 days after the submission of such  
2 certification, the Comptroller General shall submit to the  
3 relevant congressional committees a report on whether the  
4 recommendations described in paragraph (1) have been  
5 implemented and whether the policy goals described in  
6 subsection (A) have been achieved.

7 **SEC. 214. RELEVANT CONGRESSIONAL COMMITTEES DE-**  
8 **FINED.**

9 In this subtitle, the term “relevant congressional  
10 committees” means the Committee on Homeland Security  
11 of the House of Representatives, the Committee on Gov-  
12 ernment Reform of the House of Representatives, the  
13 Committee on Homeland Security and Governmental Af-  
14 fairs of the Senate, the Committees on the Judiciary of  
15 the Senate and House of Representatives, the Select Com-  
16 mittee on Intelligence of the Senate, and the Permanent  
17 Select Committee on Intelligence of the House of Rep-  
18 resentatives.

19 **Subtitle C—Intelligence Oversight**  
20 **Reform in the Senate**

21 **SEC. 231. SUBCOMMITTEE RELATED TO INTELLIGENCE**  
22 **OVERSIGHT.**

23 (a) **ESTABLISHMENT.**—There is established in the  
24 Select Committee on Intelligence a Subcommittee on Over-

1 sight which shall be in addition to any other subcommittee  
2 established by the select Committee.

3 (b) RESPONSIBILITY.—The Subcommittee on Over-  
4 sight shall be responsible for ongoing oversight of intel-  
5 ligence activities.

6 **SEC. 232. SUBCOMMITTEE RELATED TO INTELLIGENCE AP-**  
7 **PROPRIATIONS.**

8 (a) ESTABLISHMENT.—There is established in the  
9 Committee on Appropriations a Subcommittee on Intel-  
10 ligence.

11 (b) JURISDICTION.—The Subcommittee on Intel-  
12 ligence of the Committee on Appropriations shall have ju-  
13 risdiction over funding for intelligence matters.

14 **SEC. 233. EFFECTIVE DATE.**

15 This subtitle shall take effect on the convening of the  
16 110th Congress.

17 **Subtitle D—Standardize Security**  
18 **Clearances**

19 **SEC. 241. STANDARDIZATION OF SECURITY CLEARANCES.**

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 the Office of Personnel  
23 Management, in consultation with the Director of Na-  
24 tional Intelligence, the Secretary of Defense, and the Sec-  
25 retary of Homeland Security, shall submit to the relevant

1 congressional committees a report on the recommenda-  
2 tions of the 9/11 Commission and the policy goals of sec-  
3 tion 3001 of the Intelligence Reform and Terrorism Pre-  
4 vention Act of 2004 (Public Law 108–458) with respect  
5 to security clearances, including with respect to uniform  
6 policies and procedures for the completion of security  
7 clearances and reciprocal recognition of such security  
8 clearances among agencies of the United States Govern-  
9 ment. Such report shall include—

10 (1) a certification by the Director of the Office  
11 of Personnel Management that such recommenda-  
12 tions have been implemented and such policy goals  
13 have been achieved; or

14 (2) if the Director of the Office of Personnel  
15 Management is unable to make the certification de-  
16 scribed in paragraph (1), a description of—

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

19 (B) when the Director of the Office of Per-  
20 sonnel Management expects such recommenda-  
21 tions to be implemented and such policy goals  
22 to be achieved; and

23 (C) any allocation of resources or other ac-  
24 tions by Congress the Director considers nec-

1           essary to implement such recommendations and  
2           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 Director of the Office of Personnel Management  
6 submits a certification pursuant to subsection (a)(1).

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

16 **TITLE III—FOREIGN POLICY,**  
17 **PUBLIC DIPLOMACY, AND**  
18 **NONPROLIFERATION**

19 **Subtitle A—Foreign Policy**

20 **SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMIT-**  
21 **MENT TO AFGHANISTAN.**

22           (a) **SENSE OF CONGRESS.**—It is the sense of Con-  
23 gress that the Government of the United States—

1           (1) should give priority to providing assistance  
2           to Afghanistan to establish a substantial economic  
3           infrastructure and a sound economy; and

4           (2) should continue to provide economic and de-  
5           velopment assistance to Afghanistan, including as-  
6           sistance to the Afghan National Army and the police  
7           forces and border police of Afghanistan.

8           (b) REPORT; CERTIFICATION.—Not later than 90  
9           days after the date of the enactment of this Act, and every  
10          90 days thereafter, the President shall submit to the rel-  
11          evant congressional committees a report on the rec-  
12          ommendations of the 9/11 Commission and the policy  
13          goals of section 305 of the Afghanistan Freedom Support  
14          Act of 2002 (22 U.S.C. 7555) (as added by section  
15          7104(e)(4)(A) of the Intelligence Reform and Terrorism  
16          Prevention Act of 2004 (Public Law 108–458)) for ensur-  
17          ing a long-term commitment to Afghanistan. Such report  
18          shall include—

19                 (1) a certification by the President that such  
20                 recommendations have been implemented and such  
21                 policy goals have been achieved; or

22                 (2) if the President is unable to make the cer-  
23                 tification described in paragraph (1), a description  
24                 of—

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

3 (B) when the President expects such rec-  
4 ommendations to be implemented and such pol-  
5 icy goals to be achieved; and

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

10 (c) TERMINATION OF DUTY TO REPORT.—The duty  
11 to submit a report under subsection (b) shall terminate  
12 when the President submits a certification pursuant to  
13 subsection (b)(1).

14 (d) GAO REVIEW OF CERTIFICATION.—If the Presi-  
15 dent submits a certification pursuant to subsection (b)(1),  
16 not later than 30 days after the submission of such certifi-  
17 cation, the Comptroller General shall submit to the rel-  
18 evant congressional committees a report on whether the  
19 recommendations described in subsection (b) has been im-  
20 plemented and whether the policy goals described in sub-  
21 section (b) have been achieved.

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

1 (1) the Committee on International Relations  
2 and the Committee on Government Reform of the  
3 House of Representatives; and

4 (2) the Committee on Foreign Relations and  
5 the Committee on Homeland Security and Govern-  
6 mental Affairs of the Senate.

7 **SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EX-**  
8 **TREMISTS.**

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

11 (1) the commitment of the President to provide  
12 \$3,000,000,000 in assistance over the next five  
13 years to Pakistan should be commended;

14 (2) the Government of the United States should  
15 provide assistance to Pakistan to improve Pakistan’s  
16 failing basic education system and to emphasize de-  
17 velopment;

18 (3) the Government of the United States should  
19 strongly urge the Government of Pakistan to close  
20 Taliban-linked schools known as “madrassas”, close  
21 terrorist training camps, and prevent Taliban forces  
22 from operating across the border between Pakistan  
23 and Afghanistan; and

24 (4) the Government of the United States and  
25 the Government of Pakistan must redouble their ef-



1       forts to kill or capture Osama bin Laden and other  
2       high-ranking al Qaeda suspects that may be hiding  
3       in or around Pakistan.

4       (b) REPORT.—Not later than 90 days after the date  
5       of the enactment of this Act, the Secretary of State shall  
6       submit to the Committee on International Relations of the  
7       House of Representatives and the Committee on Foreign  
8       Relations of the Senate a report on efforts by the Govern-  
9       ment of Pakistan take the actions described in subsection  
10      (a)(3).

11      **SEC. 303. ACTIONS TO SUPPORT REFORM IN SAUDI ARABIA.**

12      (a) SENSE OF CONGRESS.—It is the sense of Con-  
13      gress that—

14              (1) the Government of the United States and  
15              the Government of Saudi Arabia should accelerate  
16              efforts to improve strategic dialogue between the two  
17              countries, increase exchange programs, and promote  
18              pragmatic reforms in Saudi Arabia; and

19              (2) the Government of Saudi Arabia should  
20              take additional steps to regulate charities and pro-  
21              mote tolerance and moderation.

22      (b) REPORT; CERTIFICATION.—Not later than 90  
23      days after the date of the enactment of this Act, and every  
24      90 days thereafter, the Secretary of State shall submit to  
25      the relevant congressional committees a report on the rec-

1 ommendations of the 9/11 Commission and the policy  
2 goals of section 7105 of the Intelligence Reform and Ter-  
3 rorism Prevention Act of 2004 (Public Law 108–458) for  
4 improving dialogue between the people and Government  
5 of the United States and the people and Government of  
6 Saudi Arabia in order to improve the relationship between  
7 the two countries. Such report shall include—

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

11           (2) if the Secretary of State 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 Secretary of State 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 Secretary of State con-  
21                   siders necessary to implement such rec-  
22                   ommendations and achieve such policy goals.

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

1 when the Secretary of State submits a certification pursu-  
2 ant to subsection (b)(1).

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

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

14 (1) the Committee on International Relations  
15 and the Committee on Government Reform of the  
16 House of Representatives; and

17 (2) the Committee on Foreign Relations and  
18 the Committee on Homeland Security and Govern-  
19 mental Affairs of the Senate.

20 **SEC. 304. ELIMINATION OF TERRORIST SANCTUARIES.**

21 (a) NATIONAL COUNTERTERRORISM CENTER IDEN-  
22 TIFICATION OF TERRORIST SANCTUARIES.—Subsection  
23 (d) of section 119 of National Security Act of 1947 (50  
24 U.S.C. 404o) is amended by adding at the end the fol-  
25 lowing new paragraph:

1           “(7) To identify each country whose territory is  
2           being used as a sanctuary for terrorists or terrorist  
3           organizations and each country whose territory may  
4           potentially be used as a sanctuary for terrorists or  
5           terrorist organizations and to develop a comprehen-  
6           sive strategy to eliminate terrorist sanctuaries.”.

7           (b) REPORT.—Such section is further amended by  
8           adding at the end the following new subsection:

9           “(k) REPORT ON TERRORIST SANCTUARIES.—Not  
10          later than 90 days after the date of the enactment of this  
11          Act, and annually thereafter, the Director of the National  
12          Counterterrorism Center shall submit to the Committee  
13          on International Relations, the Permanent Select Com-  
14          mittee on Intelligence, the Committee on Homeland Secu-  
15          rity, and the Committee on Government Reform of the  
16          House of Representatives and the Committee on Foreign  
17          Relations, the Select Committee on Intelligence, and the  
18          Committee on Homeland Security and Governmental Af-  
19          fairs of the Senate a report on terrorist sanctuaries, in-  
20          cluding a description of the—

21                 “(1) countries whose territory is being used as  
22                 a sanctuary for terrorists or terrorist organizations;

23                 “(2) countries whose territory may potentially  
24                 be used as a sanctuary for terrorists or terrorist or-  
25                 ganizations;

1 “(3) strategy to eliminate each such sanctuary;

2 and

3 “(4) progress that has been made in accom-  
4 plishing such strategy.”.

5 **SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST**  
6 **ISLAMIST TERRORISM.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the United States—

9 (1) should continue to engage other countries in  
10 developing a comprehensive coalition strategy  
11 against Islamist terrorism; and

12 (2) should use a broader approach to target the  
13 roots of terrorism, including developing strategies  
14 with other countries to encourage reform efforts in  
15 Saudi Arabia and Pakistan, improving educational  
16 and economic opportunities in Muslim countries,  
17 identifying and eliminating terrorist sanctuaries, and  
18 making progress in the Arab-Israeli peace process.

19 (b) REPORT; CERTIFICATION.—Not later than 30  
20 days after the date of the enactment of this Act, and every  
21 30 days thereafter, the Secretary of State shall submit to  
22 the relevant congressional committees a report on the rec-  
23 ommendations of the 9/11 Commission and the policy  
24 goals of section 7117 of the Intelligence Reform and Ter-  
25 rorism Prevention Act of 2004 (Public Law 108–458) for

1 engaging other countries in developing a comprehensive  
2 coalition strategy for combating terrorism. Such report  
3 shall include—

4 (1) a certification by the Secretary of State  
5 that such recommendations have been implemented  
6 and such policy goals have been achieved; or

7 (2) if the Secretary of State is unable to make  
8 the certification described in paragraph (1), a de-  
9 scription of—

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

12 (B) when the Secretary of State expects  
13 such recommendations to be implemented and  
14 such policy goals to be achieved; and

15 (C) any allocation of resources or other ac-  
16 tions by Congress the Secretary of State con-  
17 siders necessary to implement such rec-  
18 ommendations and 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 Secretary of State submits a certification pursu-  
22 ant to subsection (b)(1).

23 (d) **GAO REVIEW OF CERTIFICATION.**—If the Sec-  
24 retary of State submits a certification pursuant to sub-  
25 section (b)(1), not later than 30 days after the submission

1 of such certification, the Comptroller General shall submit  
2 to the relevant congressional committees a report on  
3 whether the recommendations described in subsection (b)  
4 have been implemented and whether the policy goals de-  
5 scribed in subsection (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. 306. STANDARDS FOR THE DETENTION AND HUMANE**  
16 **TREATMENT OF CAPTURED TERRORISTS.**

17 (a) **REPORT; CERTIFICATION.**—Not later than 30  
18 days after the date of the enactment of this Act, and every  
19 30 days thereafter, the Secretary of State, in consultation  
20 with the Attorney General, shall submit to the relevant  
21 congressional committees a report on the recommenda-  
22 tions of the 9/11 Commission for engaging United States  
23 allies to develop a common coalition approach toward the  
24 detention and humane treatment of captured terrorists  
25 and the policy goals of sections 1002, 1003, and 1005 of

1 the Department of Defense, Emergency Supplemental Ap-  
2 propriations to Address Hurricanes in the Gulf of Mexico,  
3 and Pandemic Influenza Act, 2006 (Public Law 109–148).

4 Such report shall include—

5 (1) a certification by the Secretary of State  
6 that such recommendations have been implemented  
7 and such policy goals have been achieved; or

8 (2) if the Secretary of State is unable to make  
9 the certification described in paragraph (1), a de-  
10 scription of—

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

13 (B) when the Secretary of State expects  
14 such recommendations to be implemented and  
15 such policy goals to be achieved; and

16 (C) any allocation of resources or other ac-  
17 tions by Congress the Secretary of State con-  
18 siders necessary to implement such rec-  
19 ommendations and achieve such policy goals.

20 (b) **TERMINATION OF DUTY TO REPORT.**—The duty  
21 to submit a report under subsection (a) shall terminate  
22 when the Secretary of State submits a certification pursu-  
23 ant to subsection (a)(1).

24 (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-  
25 retary of State submits a certification pursuant to sub-



1 section (a)(1), not later than 30 days after the submission  
2 of such certification, the Comptroller General shall submit  
3 to the relevant congressional committees a report on  
4 whether the recommendations described in subsection (a)  
5 have been implemented and whether the policy goals de-  
6 scribed in subsection (a) have been achieved.

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

10 (1) the Committee on International Relations,  
11 the Committee on Armed Services, and the Com-  
12 mittee on Government Reform of the House of Rep-  
13 resentatives; and

14 (2) the Committee on Foreign Relations, the  
15 Committee on Armed Services, and the Committee  
16 on Homeland Security and Governmental Affairs of  
17 the Senate.

18 **SEC. 307. USE OF ECONOMIC POLICIES TO COMBAT TER-**  
19 **RORISM.**

20 (a) REPORT; CERTIFICATION.—Not later than 90  
21 days after the date of the enactment of this Act, and every  
22 90 days thereafter, the Secretary of State, in consultation  
23 with the United States Trade Representative, shall submit  
24 to the relevant congressional committees a report on the  
25 recommendations of the 9/11 Commission and the policy

1 goals of section 7115 of the Intelligence Reform and Ter-  
2 rorism Prevention Act of 2004 (Public Law 108–458) for  
3 developing economic policies to combat terrorism. Such re-  
4 port shall include—

5 (1) a certification by the Secretary of State  
6 that such recommendations have been implemented  
7 and such policy goals have been achieved, including  
8 a description of the extent to which the policy goals  
9 of paragraphs (1) through (4) of section 7115(b) of  
10 the Intelligence Reform and Terrorism Prevention  
11 Act of 2004 have been achieved; or

12 (2) if the Secretary of State is unable to make  
13 the certification described in paragraph (1), a de-  
14 scription of—

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

17 (B) when the Secretary of State expects  
18 such recommendations to be implemented and  
19 such policy goals to be achieved; and

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

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

1 when the Secretary of State submits a certification pursu-  
2 ant to subsection (a)(1).

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

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

14 (1) the Committee on International Relations  
15 and the Committee on Government Reform of the  
16 House of Representatives; and

17 (2) the Committee on Foreign Relations and  
18 the Committee on Homeland Security and Govern-  
19 mental Affairs of the Senate.

20 **SEC. 308. ACTIONS TO ENSURE VIGOROUS EFFORTS**  
21 **AGAINST TERRORIST FINANCING.**

22 (a) FINDINGS.—Congress makes the following find-  
23 ings:

1           (1) Financial institutions have too little infor-  
2           mation about money laundering and terrorist financ-  
3           ing compliance in other markets.

4           (2) The current Financial Action Task Force  
5           designation system does not adequately represent  
6           the progress countries are making in combatting  
7           money laundering.

8           (3) Lack of information about the compliance  
9           of countries with anti-money laundering standards  
10          exposes United States financial markets to excessive  
11          risk.

12          (4) Failure to designate countries that fail to  
13          make progress in combatting terrorist financing and  
14          money laundering eliminates incentives for internal  
15          reform.

16          (5) The Secretary of the Treasury has an af-  
17          firmative duty to provide to financial institutions  
18          and examiners the best possible information on com-  
19          pliance with anti-money laundering and terrorist fi-  
20          nancing initiatives in other markets.

21          (b) REPORT.—Not later than March 1 each year, the  
22          Secretary of the Treasury shall submit to the relevant con-  
23          gressional committees a report that identifies the applica-  
24          ble standards of each country against money laundering  
25          and states whether that country is a country of primary

1 money laundering concern under section 5318A of title 31,  
2 United States Code. The report shall include—

3 (1) information on the effectiveness of each  
4 country in meeting its standards against money  
5 laundering;

6 (2) a determination of whether that the efforts  
7 of that country to combat money laundering and ter-  
8 rorist financing are adequate, improving, or inad-  
9 equate; and

10 (3) the efforts made by the Secretary to provide  
11 to the government of each such country of concern  
12 technical assistance to cease the activities that were  
13 the basis for the determination that the country was  
14 of primary money laundering concern.

15 (c) DISSEMINATION OF INFORMATION IN REPORT.—

16 The Secretary of the Treasury shall make available to the  
17 Federal Financial Institutions Examination Council for  
18 incorporation into the examination process, in consultation  
19 with Federal banking agencies, and to financial institu-  
20 tions the information contained in the report submitted  
21 under subsection (b). Such information shall be made  
22 available to financial institutions without cost.

23 (d) DEFINITIONS.—In this section:

24 (1) FINANCIAL INSTITUTION.—The term “fi-  
25 nancial institution” has the meaning given that term

1 in section 5312(a)(2) of title 31, United States  
2 Code.

3 (2) RELEVANT CONGRESSIONAL COMMIT-  
4 TEES.—The term “relevant congressional commit-  
5 tees” means—

6 (A) the Committee on Financial Services,  
7 the Committee on Government Reform, and the  
8 Committee on the Judiciary of the House of  
9 Representatives; and

10 (B) the Committee on Banking, Housing,  
11 and Urban Affairs, the Committee on Home-  
12 land Security and Governmental Affairs, and  
13 the Committee on the Judiciary of the Senate.

## 14 **Subtitle B—Public Diplomacy**

### 15 **SEC. 311. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE** 16 **DEPARTMENT OF STATE AND PUBLIC DIPLO-** 17 **MACY TRAINING OF MEMBERS OF THE FOR-** 18 **EIGN SERVICE.**

19 (a) REPORT; CERTIFICATION.—Not later than 30  
20 days after the date of the enactment of this Act, and every  
21 30 days thereafter, the Secretary of State shall submit to  
22 the relevant congressional committees a report on the rec-  
23 ommendations of the 9/11 Commission and the policy  
24 goals of sections 7109 and 7110 the Intelligence Reform  
25 and Terrorism Prevention Act of 2004 (Public Law 108–

1 458), and the amendments made by such sections, regard-  
2 ing the public diplomacy responsibilities of the Depart-  
3 ment of State and public diplomacy training of members  
4 of the Foreign Service. Such report shall include—

5 (1) a certification by the Secretary of State  
6 that such recommendations have been implemented  
7 and such policy goals have been achieved; or

8 (2) if the Secretary of State is unable to make  
9 the certification described in paragraph (1), a de-  
10 scription of—

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

13 (B) when the Secretary of State expects  
14 such recommendations to be implemented and  
15 such policy goals to be achieved; and

16 (C) any allocation of resources or other ac-  
17 tions by Congress the Secretary of State con-  
18 siders necessary to implement such rec-  
19 ommendations and achieve such policy goals.

20 (b) **TERMINATION OF DUTY TO REPORT.**—The duty  
21 to submit a report under subsection (a) shall terminate  
22 when the Secretary of State submits a certification pursu-  
23 ant to subsection (a)(1).

24 (c) **GAO REVIEW OF CERTIFICATION.**—If the Sec-  
25 retary of State submits a certification pursuant to sub-

1 section (a)(1), not later than 30 days after the submission  
2 of such certification, the Comptroller General shall submit  
3 to the relevant congressional committees a report on  
4 whether the recommendations described in subsection (a)  
5 have been implemented and whether the policy goals de-  
6 scribed in subsection (a) have been achieved.

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

10 (1) the Committee on International Relations  
11 and the Committee on Government Reform of the  
12 House of Representatives; and

13 (2) the Committee on Foreign Relations and  
14 the Committee on Homeland Security and Govern-  
15 mental Affairs of the Senate.

16 **SEC. 312. INTERNATIONAL BROADCASTING.**

17 (a) REPORT.—Not later than 90 days after the date  
18 of the enactment of this Act, the Broadcasting Board of  
19 Governors shall submit to the relevant congressional com-  
20 mittees a report on—

21 (1) the activities of Radio Sawa and Radio Al-  
22 Hurra; and

23 (2) the extent to which the activities of Radio  
24 Sawa and Radio Al-Hurra have been successful, in-  
25 cluding an analysis of impact of the activities on the



1 audience and audience demographics and whether or  
2 not funding is adequate to carry out the activities.

3 (b) RELEVANT CONGRESSIONAL COMMITTEES DE-  
4 FINED.—In this section, the term “relevant congressional  
5 committees” means—

6 (1) the Committee on International Relations  
7 and the Committee on Government Reform of the  
8 House of Representatives; and

9 (2) the Committee on Foreign Relations and  
10 the Committee on Homeland Security and Govern-  
11 mental Affairs of the Senate.

12 **SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP,**  
13 **EXCHANGE, AND LIBRARY PROGRAMS IN THE**  
14 **ISLAMIC WORLD.**

15 (a) REPORT; CERTIFICATION.—Not later than 30  
16 days after the date of the enactment of this Act, and every  
17 30 days thereafter, the Secretary of State shall submit to  
18 the relevant congressional committees a report on the rec-  
19 ommendations of the 9/11 Commission and the policy  
20 goals of sections 7112 of the Intelligence Reform and Ter-  
21 rorism Prevention Act of 2004 (Public Law 108–458) for  
22 expanding United States scholarship, exchange, and li-  
23 brary programs in the Islamic world. Such report shall  
24 include—

1           (1) a certification by the Secretary of State  
2           that such recommendations have been implemented  
3           and such policy goals have been achieved; or

4           (2) if the Secretary of State is unable to make  
5           the certification described in paragraph (1), a de-  
6           scription of—

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

9                   (B) when the Secretary of State expects  
10                  such recommendations to be implemented and  
11                  such policy goals to be achieved; and

12                  (C) any allocation of resources or other ac-  
13                  tions by Congress the Secretary of State con-  
14                  siders necessary to implement such rec-  
15                  ommendations and achieve such policy goals.

16           (b) **TERMINATION OF DUTY TO REPORT.**—The duty  
17           to submit a report under subsection (a) shall terminate  
18           when the Secretary of State submits a certification pursu-  
19           ant to subsection (a)(1).

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

1 have been implemented and whether the policy goals de-  
2 scribed in subsection (a) have been achieved.

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

6 (1) the Committee on International Relations  
7 and the Committee on Government Reform of the  
8 House of Representatives; and

9 (2) the Committee on Foreign Relations and  
10 the Committee on Homeland Security and Govern-  
11 mental Affairs of the Senate.

12 **SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that—

15 (1) the Middle East Partnership Initiative  
16 (MEPI) and the United States Agency for Inter-  
17 national Development should be commended for ini-  
18 tiating programs in predominantly Muslim countries  
19 to support secular education improvements and the  
20 teaching of English, including programs that focus  
21 on the education of women;

22 (2) the secular education programs of MEPI  
23 and the United States Agency for International De-  
24 velopment are a constructive start to answering the

1 challenge of secular education in predominantly  
2 Muslim countries;

3 (3) the secular education programs of MEPI  
4 and the United States Agency for International De-  
5 velopment should be components of an overall strat-  
6 egy for educational assistance—itsself one component  
7 of an overall United States strategy for  
8 counterterrorism—targeted where the need and the  
9 benefit to the national security of the United States  
10 are greatest; and

11 (4) upon formation of a broader strategy for  
12 international educational assistance targeted toward  
13 the Middle East, a significant increase in funding  
14 for these initiatives should be provided.

15 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—  
16 There are authorized to be appropriated to the Secretary  
17 of State \$50,000,000 for each of fiscal years 2007 and  
18 2008 to support the establishment of an International  
19 Youth Opportunity Fund pursuant to section 7114 of the  
20 Intelligence Reform and Terrorism Prevention Act of  
21 2004 (Public Law 108–458).

## 22 **Subtitle C—Nonproliferation**

### 23 **SEC. 321. SHORT TITLE.**

24 This subtitle may be cited as the “Omnibus Non-  
25 proliferation and Anti-Nuclear Terrorism Act of 2006”.

1 **SEC. 322. FINDINGS.**

2 Congress makes the following findings:

3 (1) LOOSE NUCLEAR WEAPONS AND MATERIALS  
4 IN THE FORMER SOVIET UNION.—

5 (A) There are in the world today enormous  
6 stockpiles of nuclear weapons and the materials  
7 required to make them. Counting materials  
8 both in assembled warheads and in other forms,  
9 worldwide totals are estimated to encompass  
10 some 1,900 tons of highly enriched uranium  
11 (enough for 143,000 nuclear weapons) and  
12 1,855 tons of plutonium (enough for 330,000  
13 nuclear weapons).

14 (B) The Russian Federation alone is esti-  
15 mated to have over 1,000 tons of highly en-  
16 riched uranium (enough for over 80,000 nuclear  
17 weapons) and 140 tons of plutonium (enough  
18 for over 30,000 nuclear weapons).

19 (C) The United States has been working  
20 for over a decade to eliminate stockpiles of loose  
21 nuclear weapons and materials in the former  
22 Soviet Union, but the Department of Energy  
23 acknowledges that there is still a need to prop-  
24 erly secure about 460 tons of weapons-usable  
25 Russian nuclear material (outside of warheads),  
26 enough for more than 35,000 nuclear weapons.

1 (D) A recent report by the Central Intel-  
2 ligence Agency faulted the security of nuclear  
3 arsenal facilities in the Russian Federation and  
4 assessed that “undetected smuggling has oc-  
5 curred.”

6 (E) There are at least 18 documented inci-  
7 dents of “proliferation significant” fissile mate-  
8 rial trafficking from facilities in the former So-  
9 viet Union between 1991 and 2001. In one inci-  
10 dent in 1998, an inside conspiracy at a Russian  
11 nuclear weapons facility attempted to steal 18.5  
12 kilograms of highly enriched uranium. In an-  
13 other incident, 2 kilograms of highly enriched  
14 uranium taken from a research facility in  
15 Sukhumi, Georgia, has never been recovered.

16 (F) In May 1994, German police found a  
17 small but worrisome quantity of supergrade  
18 plutonium in the garage of Adolf Jackle. Ex-  
19 tremely expensive to produce, this rare item  
20 was likely stolen from one of Russia’s two pre-  
21 mier nuclear weapons laboratories.

22 (G) Comprehensive security upgrades are  
23 not yet completed at 90 percent of Russian nu-  
24 clear warhead bunkers for Russia’s Strategic  
25 Rocket Forces.

1 (H) Border security in the former Soviet  
2 Union is inconsistent at best. Existing infra-  
3 structure helps at the outer borders of the  
4 former Soviet Union but many borders internal  
5 to the former Soviet Union, such as the border  
6 between Kazakhstan and the Russian Federa-  
7 tion, exist only on a map.

8 (2) LOOSE NUCLEAR MATERIALS AROUND THE  
9 GLOBE.—

10 (A) Dangerous caches of weapons-usable  
11 nuclear materials, much of it poorly secured  
12 and vulnerable to theft, exist in a multitude of  
13 facilities around the world. For example, there  
14 are over 130 research reactors in over 40 coun-  
15 tries that house highly enriched uranium, some  
16 with enough to manufacture an atomic bomb.  
17 In total, about 40 tons of highly enriched ura-  
18 nium, enough for over 1,000 nuclear weapons,  
19 is estimated to remain in civilian research reac-  
20 tors.

21 (B) Over the last 50 years, the United  
22 States is known to have exported about 27.5  
23 tons of highly enriched uranium to 43 countries  
24 to help develop nuclear power production or bol-  
25 ster scientific initiatives. In 1996, the United

1 States began an effort to recover the more than  
2 17.5 tons of the nuclear material that was still  
3 overseas, but has recovered only about 1 ton,  
4 according to the Department of Energy and the  
5 Government Accountability Office.

6 (C) It is especially important to keep high-  
7 ly enriched uranium out of terrorists' hands be-  
8 cause, with minimal expertise, they could use it  
9 to make the simplest, gun-type nuclear weap-  
10 on—a device in which a high explosive is used  
11 to blow one subcritical piece of highly enriched  
12 uranium from one end of a tube into another  
13 subcritical piece held at the opposite end of the  
14 tube.

15 (D) To Osama bin Laden, acquiring weap-  
16 ons of mass destruction is a “religious duty”.  
17 Al Qaeda and more than two dozen other ter-  
18 rorist groups are pursuing capability to use  
19 weapons of mass destruction.

20 (E) Osama bin Laden's press spokesman,  
21 Sulaiman Abu Ghaith, has announced that the  
22 group aspires “to kill 4 million Americans, in-  
23 cluding 1 million children,” in response to cas-  
24 ualties supposedly inflicted on Muslims by the  
25 United States and Israel.



1 (F) Al Qaeda documents recovered in Af-  
2 ghanistan reveal a determined research effort  
3 focused on nuclear weapons.

4 (3) SECURITY STANDARDS FOR ALL NUCLEAR  
5 WEAPONS AND MATERIALS.—

6 (A) There are no international binding  
7 standards for the secure handling and storage  
8 of nuclear weapons and materials.

9 (B) Making a nuclear weapon requires only  
10 4 to 5 kilograms of plutonium or 12 to 15 kilo-  
11 grams of highly enriched uranium.

12 (C) In October 2001, the United States  
13 Government became very concerned that Al  
14 Qaeda may have smuggled a 10-kiloton Russian  
15 nuclear warhead into New York City. If placed  
16 in lower Manhattan, such a device would prob-  
17 ably kill 100,000 people instantly, seriously in-  
18 jure tens of thousands more, and render the en-  
19 tire area uninhabitable for decades to come.

20 (4) RUSSIA'S NUCLEAR EXPERTISE.—

21 (A) Employment at the large nuclear facili-  
22 ties in the Russian Federation's 10 closed nu-  
23 clear cities is estimated to be in the range of  
24 120,000 to 130,000 people, of whom approxi-

1           mately 75,000 were employed on nuclear weap-  
2           ons-related work.

3           (B) Poor wages and living conditions in  
4           Russian “nuclear cities” have inspired protests  
5           and strikes among the employees working in  
6           them.

7           (C) Insiders have been caught attempting  
8           to smuggle nuclear materials out of these facili-  
9           ties, presumably to sell on the lucrative black  
10          market.

11 **SEC. 323. ESTABLISHMENT OF OFFICE OF NONPROLIFERA-**  
12 **TION PROGRAMS IN THE EXECUTIVE OFFICE**  
13 **OF THE PRESIDENT.**

14          (a) ESTABLISHMENT.—There is established in the  
15 Executive Office of the President an Office of Non-  
16 proliferation Programs (in this section referred to as the  
17 “Office”).

18          (b) DIRECTOR; ASSOCIATE DIRECTORS.—There shall  
19 be at the head of the Office a Director who shall be ap-  
20 pointed by the President, by and with the advice and con-  
21 sent of the Senate, and who shall be compensated at the  
22 rate provided for level II of the Executive Schedule in sec-  
23 tion 5313 of title 5, United States Code. The President  
24 is authorized to appoint not more than four Associate Di-  
25 rectors, by and with the advice and consent of the Senate,

1 who shall be compensated at a rate not to exceed that pro-  
2 vided for level III of the Executive Schedule in section  
3 5314 of such title. Associate Directors shall perform such  
4 functions as the Director may prescribe.

5 (c) PRIMARY FUNCTIONS OF DIRECTOR.—

6 (1) IN GENERAL.—The primary function of the  
7 Director is to coordinate and lead—

8 (A) efforts by the United States to curb  
9 terrorist access to nuclear technology, mate-  
10 rials, or expertise; and

11 (B) other United States nonproliferation  
12 activities, including nuclear nonproliferation ac-  
13 tivities and activities to counter other weapons  
14 of mass destruction.

15 (2) SPECIFIC FUNCTIONS.—In addition to such  
16 other functions and activities as the President may  
17 assign, the Director shall—

18 (A) advise the President, and others within  
19 the Executive Office of the President, on the  
20 role and effect of such nonproliferation activi-  
21 ties on national security and international rela-  
22 tions;

23 (B) lead the development and implementa-  
24 tion of a plan (including appropriate budgets,  
25 other resources, goals, and metrics for assessing

1 progress) to ensure that all the highest-priority  
2 actions to prevent terrorists from getting and  
3 using nuclear weapons are taken in the shortest  
4 possible time, including but not limited to a  
5 fast-paced global effort to ensure that every nu-  
6 clear warhead and every kilogram of weapons-  
7 usable nuclear material worldwide is secured  
8 and accounted for, to standards sufficient to de-  
9 feat demonstrated terrorist and criminal  
10 threats, as rapidly as that objective can be ac-  
11 complished;

12 (C) identify obstacles to accelerating and  
13 strengthening efforts to prevent terrorists from  
14 getting and using nuclear weapons, and raise  
15 approaches to overcoming these obstacles for  
16 action by the President or other appropriate of-  
17 ficials;

18 (D) lead an effort, to be carried out jointly  
19 by the various Federal agencies responsible for  
20 carrying out such nonproliferation activities, to  
21 establish priorities among those activities and  
22 to develop and implement strategies and budg-  
23 ets that reflect those priorities;

24 (E) build strong partnerships with respect  
25 to such nonproliferation activities among Fed-

1           eral, State, and local governments, foreign gov-  
2           ernments, international organizations, and non-  
3           governmental organizations; and

4                   (F) evaluate the scale, quality, and effec-  
5           tiveness of the Federal effort with respect to  
6           such nonproliferation activities and advise on  
7           appropriate actions.

8   **SEC. 324. REMOVAL OF RESTRICTIONS ON COOPERATIVE**  
9                   **THREAT REDUCTION PROGRAMS.**

10   (a) REPEAL OF RESTRICTIONS.—

11           (1) RESTRICTIONS ON ASSISTANCE IN DE-  
12   STROYING FORMER SOVIET WEAPONS.—Section  
13   211(b) of the Soviet Nuclear Threat Reduction Act  
14   of 1991 (22 U.S.C. 2551 note) is repealed.

15           (2) RESTRICTIONS ON AUTHORITY TO CARRY  
16   OUT CTR PROGRAMS.—Section 1203(d) of the Coop-  
17   erative Threat Reduction Act of 1993 (title XII of  
18   Public Law 103–160; 22 U.S.C. 5952(d)) is re-  
19   pealed.

20           (3) LIMITATION ON USE OF FUNDS FOR CHEM-  
21   ICAL WEAPONS DESTRUCTION.—Section 1305 of the  
22   National Defense Authorization Act for Fiscal Year  
23   2000 (22 U.S.C. 5952 note) is repealed.

24   (b) EXEMPTION FROM LIMITATIONS.—Cooperative  
25   Threat Reduction programs may be carried out notwith-

1 standing any other provision of law, subject to congres-  
2 sional notification and reporting requirements that apply  
3 to the use of funds available for Cooperative Threat Re-  
4 duction programs or the carrying out of projects or activi-  
5 ties under such programs.

6 (c) **INAPPLICABILITY OF OTHER RESTRICTIONS.**—  
7 Section 502 of the Freedom for Russia and Emerging  
8 Eurasian Democracies and Open Markets Support Act of  
9 1992 (22 U.S.C. 5852) shall not apply to any Cooperative  
10 Threat Reduction program.

11 **SEC. 325. REMOVAL OF RESTRICTIONS ON DEPARTMENT**  
12 **OF ENERGY NONPROLIFERATION PROGRAMS.**

13 Section 4301 of the Atomic Energy Defense Act (50  
14 U.S.C. 2561) is repealed.

15 **SEC. 326. MODIFICATIONS OF AUTHORITY TO USE COOPER-**  
16 **ATIVE THREAT REDUCTION PROGRAM FUNDS**  
17 **OUTSIDE THE FORMER SOVIET UNION.**

18 Section 1308 of the National Defense Authorization  
19 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
20 1662; 22 U.S.C. 5963) is amended—

21 (1) by striking “President” each place it ap-  
22 pears and inserting “Secretary of Defense”;

23 (2) in subsection (a), by striking “each of the  
24 following” and all that follows through the period at

1 the end and inserting the following: “that such  
2 project or activity will—

3 “(1) assist the United States in the resolution  
4 of a critical emerging proliferation threat; or

5 “(2) permit the United States to take advan-  
6 tage of opportunities to achieve long-standing non-  
7 proliferation goals.”;

8 (3) by striking subsections (c) and (d); and

9 (4) by redesignating subsection (e) as sub-  
10 section (c).

11 **SEC. 327. MODIFICATIONS OF AUTHORITY TO USE INTER-**  
12 **NATIONAL NUCLEAR MATERIALS PROTEC-**  
13 **TION AND COOPERATION PROGRAM FUNDS**  
14 **OUTSIDE THE FORMER SOVIET UNION.**

15 Section 3124 of the National Defense Authorization  
16 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
17 1747) is amended—

18 (1) by striking “President” each place it ap-  
19 pears and inserting “Secretary of Energy”;

20 (2) in subsection (a), by striking “each of the  
21 following” and all that follows through the period at  
22 the end and inserting the following: “that such  
23 project or activity will—

24 “(1) assist the United States in the resolution  
25 of a critical emerging proliferation threat; or

1           “(2) permit the United States to take advan-  
2           tage of opportunities to achieve long-standing non-  
3           proliferation goals.”;

4           (3) by striking subsections (c) and (d); and

5           (4) by redesignating subsection (e) as sub-  
6           section (c).

7 **SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS**  
8           **CONTROL AGREEMENTS AND NON-**  
9           **PROLIFERATION COMMITMENTS.**

10          (a) **REPORTS REQUIRED.**—At least annually, the  
11 Secretary of State shall submit to the appropriate congres-  
12 sional committees a report on each country in which a Co-  
13 operative Threat Reduction program is being carried out.  
14 The report shall describe that country’s commitments to—

15           (1) making substantial national investments in  
16           infrastructure to secure, safeguard, and destroy  
17           weapons of mass destruction;

18           (2) forgoing any military modernization exceed-  
19           ing legitimate defense requirements, including re-  
20           placement of weapons of mass destruction;

21           (3) forgoing any use of fissionable materials or  
22           any other components of deactivated nuclear weap-  
23           ons in a new nuclear weapons program;

24           (4) complying with all relevant arms control  
25           agreements;



1           (5) adopting and enforcing national and inter-  
2           national export controls over munitions and dual-use  
3           items; and

4           (6) facilitating the verification by the United  
5           States and international community of that coun-  
6           try's compliance with such commitments.

7           (b) FORM.—The report required under subsection (a)  
8           may be submitted with the report required under section  
9           403 of the Arms Control and Disarmament Act (22  
10          U.S.C. 2593a).

11   **SEC. 329. PRESIDENTIAL REPORT ON IMPEDIMENTS TO**  
12                           **CERTAIN NONPROLIFERATION ACTIVITIES.**

13          Not later than 90 days after the date of the enact-  
14          ment of this Act, the President shall submit to the appro-  
15          priate congressional committees a report identifying im-  
16          pediments (including liability concerns, taxation issues, ac-  
17          cess rights, and other impediments) to—

18               (1) the ongoing renegotiation of the umbrella  
19               agreement relating to Cooperative Threat Reduction;  
20               and

21               (2) the ongoing negotiations for the implemen-  
22               tation of the Plutonium Disposition Program, the  
23               Nuclear Cities Initiative, and other defense nuclear  
24               nonproliferation programs.

1 **SEC. 330. ENHANCEMENT OF GLOBAL THREAT REDUCTION**  
2 **INITIATIVE.**

3 Section 3132 of the Ronald W. Reagan National De-  
4 fense Authorization Act for Fiscal Year 2005 (Public Law  
5 108–375; 118 Stat. 2166; 50 U.S.C. 2569) is amended—

6 (1) in subsection (b)—

7 (A) in the subsection heading, by striking  
8 “PROGRAM AUTHORIZED” and inserting “PRO-  
9 GRAM REQUIRED”; and

10 (B) by striking “The Secretary of Energy  
11 may” and inserting “The President, acting  
12 through the Secretary of Energy, shall”; and

13 (2) in subsection (c)(1), by adding at the end  
14 the following new subparagraph:

15 “(N) Take such other actions as may be nec-  
16 essary to effectively implement the Global Threat  
17 Reduction Initiative.”.

18 **SEC. 331. EXPANSION OF PROLIFERATION SECURITY INI-**  
19 **TIATIVE.**

20 (a) SENSE OF CONGRESS RELATING TO PROLIFERA-  
21 TION SECURITY INITIATIVE.—It is the sense of Congress  
22 that—

23 (1) the President should strive to expand and  
24 strengthen the Proliferation Security Initiative an-  
25 nounced by the President on May 31, 2003, placing

1 particular emphasis on including countries outside of  
2 NATO; and

3 (2) the United States should engage the United  
4 Nations to develop a Security Council Resolution to  
5 authorize the Proliferation Security Initiative under  
6 international law, including by providing legal au-  
7 thority to stop shipments of weapons of mass de-  
8 struction, their delivery systems, and related mate-  
9 rials.

10 (b) AUTHORIZATION OF APPROPRIATIONS RELATING  
11 TO PROLIFERATION SECURITY INITIATIVE.—There are  
12 authorized to be appropriated for fiscal year 2007,  
13 \$50,000,000 to conduct joint training exercises regarding  
14 interdiction of weapons of mass destruction under the Pro-  
15 liferation Security Initiative. Particular emphasis should  
16 be given to allocating funds from such amount—

17 (1) to invite other countries that do not partici-  
18 pate in the Proliferation Security Initiative to ob-  
19 serve the joint training exercises; and

20 (2) to conduct training exercises with countries  
21 that openly join the Proliferation Security Initiative  
22 after the date of the enactment of this Act.

1 **SEC. 332. SENSE OF CONGRESS RELATING TO INTER-**  
2 **NATIONAL SECURITY STANDARDS FOR NU-**  
3 **CLEAR WEAPONS AND MATERIALS.**

4 It is the sense of Congress that the President should  
5 seek to devise and implement standards to improve the  
6 security of nuclear weapons and materials by—

7 (1) establishing with other willing nations a set  
8 of performance-based standards for the security of  
9 nuclear weapons and weapons;

10 (2) negotiating with those nations an agreement  
11 to adopt the standards and implement appropriate  
12 verification measures to assure ongoing compliance;  
13 and

14 (3) coordinating with those nations and the  
15 International Atomic Energy Agency to strongly en-  
16 courage other states to adopt and verifiably imple-  
17 ment the standards.

18 **SEC. 333. AUTHORIZATION OF APPROPRIATIONS RELATING**  
19 **TO INVENTORY OF RUSSIAN TACTICAL NU-**  
20 **CLEAR WARHEADS AND DATA EXCHANGES.**

21 In addition to any other amounts authorized to be  
22 appropriated for such purposes, there are authorized to  
23 be appropriated to the Administrator for Nuclear Security  
24 for fiscal year 2007, \$5,000,000 for assistance to Russia  
25 to facilitate the conduct of a comprehensive inventory of  
26 the stockpile of Russia of—

1 (1) non-strategic nuclear weapons; and

2 (2) nuclear weapons, whether strategic or non-  
3 strategic, that are not secured by PALs or other  
4 electronic means.

5 **SEC. 334. REPORT ON ACCOUNTING FOR AND SECURING OF**  
6 **RUSSIA'S NON-STRATEGIC NUCLEAR WEAP-**  
7 **ONS.**

8 Not later than 120 days after the date of the enact-  
9 ment of this Act, the Secretary of Defense shall submit  
10 to the appropriate congressional committees a report on  
11 Russia's non-strategic nuclear weapons. The report  
12 shall—

13 (1) detail past and current efforts of the United  
14 States to encourage a proper accounting for and se-  
15 curing of Russia's non-strategic nuclear weapons  
16 and Russia's nuclear weapons, whether strategic or  
17 non-strategic, that are not secured by PALs or other  
18 electronic means;

19 (2) detail the actions that are most likely to  
20 lead to progress in improving the accounting for and  
21 securing or dismantlement of such weapons; and

22 (3) detail the feasibility of enhancing the na-  
23 tional security of the United States by developing in-  
24 creased transparency between the United States and  
25 Russia with respect to the numbers, locations, and

1 descriptions of such weapons and of the cor-  
2 responding weapons of the United States.

3 **SEC. 335. RESEARCH AND DEVELOPMENT INVOLVING AL-**  
4 **TERNATIVE USE OF WEAPONS OF MASS DE-**  
5 **STRUCTION EXPERTISE.**

6 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding  
7 any other provision of law and subject to subsection (c),  
8 any funds available to a department or agency of the Fed-  
9 eral Government may be used to conduct non-defense re-  
10 search and development in Russia and the states of the  
11 former Soviet Union on technologies specified in sub-  
12 section (b) utilizing scientists in Russia and the states of  
13 the former Soviet Union who have expertise in—

14 (1) nuclear weapons; or

15 (2) chemical or biological weapons, but only if  
16 such scientists no longer engage, or have never en-  
17 gaged, in activities supporting prohibited chemical or  
18 biological capabilities.

19 (b) **TECHNOLOGIES.**—The technologies specified in  
20 this subsection are technologies on the following:

21 (1) Environmental restoration and monitoring.

22 (2) Proliferation detection.

23 (3) Health and medicine, including research.

24 (4) Energy.

1 (c) LIMITATION.—Funds may not be used under sub-  
2 section (a) for research and development if the Secretary  
3 of State, in consultation with the Secretary of Defense and  
4 the Secretary of Energy, determines that such research  
5 and development will—

6 (1) pose a threat to the security interests of the  
7 United States; or

8 (2) further materially any defense technology.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be  
11 appropriated to the Department of State  
12 \$20,000,000 for fiscal year 2007 for the following  
13 purposes:

14 (A) To make determinations under sub-  
15 section (c).

16 (B) To defray any increase in costs in-  
17 curred by the Department of State, or any  
18 other department or agency of the Federal Gov-  
19 ernment, for research and development, or dem-  
20 onstration, as a result of research and develop-  
21 ment conducted under this section.

22 (2) AVAILABILITY.—(A) Amounts authorized to  
23 be appropriated by paragraph (1) are authorized to  
24 remain available until expended.

1           (B) Any amount transferred to a department or  
2           agency of the Federal Government pursuant to para-  
3           graph (1)(B) shall be merged with amounts available  
4           to such department or agency to cover costs con-  
5           cerned, and shall be available for the same purposes,  
6           and for the same period, as amounts with which  
7           merged.

8   **SEC. 336. STRENGTHENING THE NUCLEAR NONPROLIFERA-**  
9                           **TION TREATY.**

10          (a) FINDINGS.—Congress makes the following find-  
11          ings:

12               (1) Article IV of the Treaty on the Non-Pro-  
13               liferation of Nuclear Weapons (commonly referred to  
14               as the Nuclear Nonproliferation Treaty or NPT) (21  
15               UST 483) states that countries that are parties to  
16               the treaty have the “inalienable right . . . to develop  
17               research, production and use of nuclear energy for  
18               peaceful purposes without discrimination and in con-  
19               formity with articles I and II of this treaty.”.

20               (2) The rights outlined under article IV include  
21               all fuel cycle activities, despite the fact that uranium  
22               enrichment and plutonium production potentially put  
23               a country in a position to produce weapons usable  
24               material.



1           (3) David Bergmann, former chairman of the  
2           Israeli Atomic Energy Commission, stated: “. . . by  
3           developing atomic energy for peaceful uses, you  
4           reach the nuclear weapon option. There are not two  
5           atomic energies”.

6           (4) The wording of article IV has made it pos-  
7           sible for countries that are parties to the NPT trea-  
8           ty to use peaceful nuclear programs as a cover for  
9           weapons programs. In particular, the misuse by  
10          North Korea and Iran of these provisions threatens  
11          to undercut the viability of the nuclear nonprolifera-  
12          tion regime and the entire system of international  
13          nuclear commerce.

14          (5) If the international community fails to de-  
15          vise effective measures to deal with the “loophole” in  
16          article IV, then there is a great likelihood that the  
17          ranks of countries possessing nuclear weapons will  
18          increase markedly in the next decade.

19          (b) PRESIDENTIAL REPORT ON CONTROL OF NU-  
20          CLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—  
21          Not later than 90 days after the date of the enactment  
22          of this Act, the President shall submit to the appropriate  
23          congressional committees a report identifying ways to  
24          more effectively control nuclear fuel cycle technologies and  
25          material, including ways that the United States can mobi-

1 lize the international community to close the “loophole”  
2 of article IV of the NPT, without undermining the treaty  
3 itself.

4 **SEC. 337. DEFINITIONS.**

5 In this subtitle:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
7 TEES.—The term “appropriate congressional com-  
8 mittees” means—

9 (A) the Committee on International Rela-  
10 tions, the Committee on Armed Services, the  
11 Committee on Homeland Security, and the  
12 Committee on Appropriations of the House of  
13 Representatives; and

14 (B) the Committee on Foreign Relations,  
15 the Committee on Armed Services, the Com-  
16 mittee on Homeland Security and Govern-  
17 mental Affairs, and the Committee on Appro-  
18 priations of the Senate.

19 (2) COOPERATIVE THREAT REDUCTION PRO-  
20 GRAMS.—The term “Cooperative Threat Reduction  
21 programs” means programs and activities specified  
22 in section 1501(b) of the National Defense Author-  
23 ization Act for Fiscal Year 1997 (Public Law 104–  
24 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

1           **DIVISION B—COMBATTING**  
2                           **TERRORISM**

3   **SEC. 1001. SHORT TITLE.**

4           This division may be cited as the “Targeting Terror-  
5 ists More Effectively Act of 2006”.

6                           **TITLE XI—EFFECTIVELY**  
7                           **TARGETING TERRORISTS**

8   **SEC. 1101. SENSE OF CONGRESS ON SPECIAL OPERATIONS**  
9                           **FORCES AND RELATED MATTERS.**

10          It is the sense of Congress that—

11                 (1) the number of active-duty Army Special  
12          Forces-qualified personnel should be increased dur-  
13          ing the four years after the date of the enactment  
14          of this Act so that on the date that is four years  
15          after the date of such enactment such number is  
16          9,290;

17                 (2) an additional 16 Predator aircraft should be  
18          acquired for the Air Force Special Operations Com-  
19          mand by the end of fiscal year 2008;

20                 (3) an additional Special Operations squadron  
21          should be established not later than fiscal year 2009;  
22          and

23                 (4) the increase in the number of regular and  
24          reserve component personnel who are assigned civil  
25          affairs duty should be accelerated.

1 **SEC. 1102. FOREIGN LANGUAGE EXPERTISE.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) Success in the global war on terrorism will  
5 require a dramatic increase in institutional and per-  
6 sonal expertise in the languages and cultures of the  
7 societies where terrorism has taken root, including a  
8 substantial increase in the number of national secu-  
9 rity personnel who obtain expert lingual training.

10 (2) The National Commission on Terrorist At-  
11 tacks Upon the United States identified the coun-  
12 tries in the Middle East, South Asia, Southeast  
13 Asia, and West Africa as countries that serve or  
14 could serve as terrorist havens.

15 (3) Although 22 countries have Arabic as their  
16 official language, the National Commission on Ter-  
17 rorist Attacks Upon the United States found that a  
18 total of only 6 undergraduate degrees for the study  
19 of Arabic were granted by United States colleges  
20 and universities in 2002.

21 (4) The report of the National Commission on  
22 Terrorist Attacks Upon the United States contained  
23 several criticisms of the lack of linguistic expertise  
24 in the Central Intelligence Agency and the Federal  
25 Bureau of Investigation prior to the September 11,  
26 2001 terrorist attacks, and called for the Central In-

1           telligence Agency to “develop a stronger language  
2           program, with high standards and sufficient finan-  
3           cial incentives”.

4           (5) An audit conducted by the Department of  
5           Justice in July 2004, revealed that the Federal Bu-  
6           reau of Investigation has a backlog of hundreds of  
7           thousands of untranslated audio recordings from ter-  
8           ror and espionage investigations.

9           (6) The National Security Education Program  
10          Trust Fund, which funds critical grant and scholar-  
11          ship programs for linguistic training in regions crit-  
12          ical to national security, will have exhausted all its  
13          funding by fiscal year 2006, unless additional appro-  
14          priations are made to the Trust Fund.

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

17               (1) the overwhelming majority of Muslims re-  
18               ject terrorism and a small, radical minority has  
19               grossly distorted the teachings of one of the world’s  
20               great faiths to seek justification for acts of ter-  
21               rorism, such radical Islamic fundamentalism con-  
22               stitutes a primary threat to the national security in-  
23               terests of the United States, and an effective strat-  
24               egy for combating terrorism should include increas-  
25               ing the number of personnel throughout the Federal

1 Government with expertise in languages spoken in  
2 predominately Muslim countries and in the culture  
3 of such countries;

4 (2) Muslim-Americans constitute an integral  
5 and cherished part of the fabric of American society  
6 and possess many talents, including linguistic, his-  
7 toric, and cultural expertise that should be har-  
8 nessed in the war against radical, fundamentalist  
9 terror; and

10 (3) amounts appropriated for the National  
11 Flagship Language Initiative pursuant to the  
12 amendments made by subsection (e)(2) should be  
13 used to support the establishment, operation, and  
14 improvement of programs for the study of Arabic,  
15 Persian, and other Middle Eastern, South Asian,  
16 Southeast Asian, and West African languages in in-  
17 stitutes of higher education in the United States.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) NATIONAL SECURITY EDUCATION TRUST  
20 FUND.—Section 810 of the David L. Boren National  
21 Security Education Act of 1991 (50 U.S.C. 1910) is  
22 amended by adding at the end the following:

23 “(d) AUTHORIZATION OF APPROPRIATIONS FOR THE  
24 FUND FOR FISCAL YEAR 2007.—

1           “(1) IN GENERAL.—There are authorized to be  
2           appropriated to the Fund \$150,000,000 for fiscal  
3           year 2007.

4           “(2) AVAILABILITY OF FUNDS.—Amounts ap-  
5           propriated pursuant to the authorization of appro-  
6           priations in paragraph (1) shall remain available  
7           until expended and not more than \$15,000,000 of  
8           such amounts may be obligated and expended during  
9           any fiscal year.”.

10           (2) NATIONAL FLAGSHIP LANGUAGE INITIA-  
11           TIVE.—

12           (A) IN GENERAL.—Section 811(a) of the  
13           David L. Boren National Security Education  
14           Act of 1991 (50 U.S.C. 1911(a)) is amended by  
15           striking “there is authorized to be appropriated  
16           to the Secretary for each fiscal year, beginning  
17           with fiscal year 2003, \$10,000,000” and insert-  
18           ing “there are authorized to be appropriated to  
19           the Secretary for each fiscal year 2003 through  
20           2006, \$10,000,000, and for each fiscal year  
21           after fiscal year 2006, \$20,000,000,”.

22           (B) AVAILABILITY OF FUNDS.—Section  
23           811(b) of such Act (50 U.S.C. 1911(b)) is  
24           amended by inserting “for fiscal years 2003  
25           through 2006” after “this section”.

1           (3) DEMONSTRATION PROGRAM.—There are au-  
2           thorized to be appropriated to the Director of Na-  
3           tional Intelligence such sums as may be necessary  
4           for each of fiscal years 2007, 2008, and 2009 in  
5           order to carry out the demonstration program estab-  
6           lished under subsection (c).

7 **SEC. 1103. CURTAILING TERRORIST FINANCING.**

8           (a) FINDINGS.—Congress makes the following find-  
9           ings:

10           (1) The report of the National Commission on  
11           Terrorist Attacks Upon the United States stated  
12           that “[v]igorous efforts to track terrorist financing  
13           must remain front and center in United States  
14           counterterrorism efforts”.

15           (2) The report of the Independent Task Force  
16           sponsored by the Council on Foreign Relations stat-  
17           ed that “currently existing U. S. and international  
18           policies, programs, structures, and organizations will  
19           be inadequate to assure sustained results commensu-  
20           rate with the ongoing threat posed to the national  
21           security of the United States”.

22           (3) The report of the Independent Task Force  
23           contained the conclusion that “[l]ong-term success  
24           will depend critically upon the structure, integration,  
25           and focus of the U. S. Government—and any inter-



1 governmental efforts undertaken to address this  
2 problem”.

3 (b) POLICY.—It is the policy of the United States—

4 (1) to work with the Government of Saudi Ara-  
5 bia to curtail terrorist financing originating from  
6 that country using a range of methods, including di-  
7 plomacy, intelligence, and law enforcement;

8 (2) to ensure effective coordination and suffi-  
9 cient resources for efforts of the agencies and de-  
10 partments of the United States to disrupt terrorist  
11 financing by carrying out, through the Office of Ter-  
12 rorism and Financial Intelligence in the Department  
13 of the Treasury, a comprehensive analysis of the  
14 budgets and activities of all such agencies and de-  
15 partments that are related to disrupting the financ-  
16 ing of terrorist organizations;

17 (3) to provide each agency or department of the  
18 United States with the appropriate number of per-  
19 sonnel to carry out the activities of such agency or  
20 department related to disrupting the financing of  
21 terrorist organizations;

22 (4) to centralize the coordination of the efforts  
23 of the United States to combat terrorist financing  
24 and utilize existing authorities to identify foreign ju-  
25 risdictions and foreign financial institutions sus-

1       pected of abetting terrorist financing and take ac-  
2       tions to prevent the provision of assistance to terror-  
3       ists; and

4               (5) to work with other countries to develop and  
5       enforce strong domestic terrorist financing laws, and  
6       increase funding for bilateral and multilateral pro-  
7       grams to enhance training and capacity-building in  
8       countries who request assistance.

9       (c) AUTHORIZATION OF APPROPRIATIONS TO PRO-  
10      VIDE TECHNICAL ASSISTANCE TO PREVENT FINANCING  
11      OF TERRORISTS.—

12               (1) IN GENERAL.—There are authorized to be  
13      appropriated to the President for the “Economic  
14      Support Fund” to provide technical assistance under  
15      the provisions of chapter 4 of part II of the Foreign  
16      Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to  
17      foreign countries to assist such countries in pre-  
18      venting the financing of terrorist activities—

19                       (A) for fiscal year 2007, \$300,000,000;  
20                       and

21                       (B) for fiscal years 2008 and 2009, such  
22                       sums as may be necessary.

23               (2) AVAILABILITY OF FUNDS.—Amounts appro-  
24      priated pursuant to the authorization of appropria-

1 tions in this subsection are authorized to remain  
2 available until expended.

3 (3) **ADDITIONAL FUNDS.**—Amounts authorized  
4 to be appropriated under this subsection are in addi-  
5 tion to amounts otherwise available for such pur-  
6 poses.

7 **SEC. 1104. PROHIBITION ON TRANSACTIONS WITH COUN-**  
8 **TRIES THAT SUPPORT TERRORISM.**

9 (a) **CLARIFICATION OF CERTAIN ACTIONS UNDER**  
10 **IEEPA.**—In any case in which the President takes action  
11 under the International Emergency Economic Powers Act  
12 (50 U.S.C. 1701 et seq.) with respect to a foreign country,  
13 or persons dealing with or associated with the government  
14 of that foreign country, and the government of that for-  
15 eign country is determined by the Secretary of State to  
16 have repeatedly provided support for acts of international  
17 terrorism, such action shall apply to a United States per-  
18 son or other person.

19 (b) **DEFINITIONS.**—In this section:

20 (1) **CONTROLLED IN FACT.**—The term “is con-  
21 trolled in fact” includes—

22 (A) in the case of a corporation, holds at  
23 least 50 percent (by vote or value) of the capital  
24 structure of the corporation; and

1 (B) in the case of any other kind of legal  
2 entity, holds interests representing at least 50  
3 percent of the capital structure of the entity.

4 (2) STATE.—The term “State” means each of  
5 the several States of the United States, the District  
6 of Columbia, the Commonwealth of Puerto Rico,  
7 Guam, the Virgin Islands, and other territories or  
8 possessions of the United States.

9 (3) UNITED STATES PERSON.—The term  
10 “United States person” includes any United States  
11 citizen, permanent resident alien, entity organized  
12 under the law of the United States or of any State  
13 (including foreign branches), wherever located, or  
14 any other person in the United States.

15 (c) APPLICABILITY.—

16 (1) IN GENERAL.—In any case in which the  
17 President has taken action under the International  
18 Emergency Economic Powers Act and such action is  
19 in effect on the date of the enactment of this Act,  
20 the provisions of subsection (a) shall not apply to a  
21 United States person (or other person) if such per-  
22 son divests or terminates its business with the gov-  
23 ernment or person identified by such action within  
24 90 days after the date of the enactment of this Act.



1 **SEC. 1105. COMPTROLLER GENERAL REPORT ON UNITED**  
2 **KINGDOM AND UNITED STATES ANTI-TER-**  
3 **RORISM POLICIES AND PRACTICES.**

4 (a) **REPORT REQUIRED.**—Not later than July 1,  
5 2007, the Comptroller General of the United States shall  
6 submit to Congress a report setting forth a comparative  
7 analysis of the anti-terrorism policies and practices of the  
8 United Kingdom and the United States.

9 (b) **ELEMENTS.**—The report required by subsection  
10 (a) shall include a comparative analysis of the following:

11 (1) The counter-intelligence laws and methods  
12 of the United Kingdom and the United States.

13 (2) The structure of the intelligence and law  
14 enforcement agencies of the United Kingdom Gov-  
15 ernment and the United States Government.

16 (3) The compliance by the executive agencies of  
17 the United Kingdom and the United States with the  
18 laws of such country applicable to terrorism.

19 (4) The constitutional and legal considerations  
20 that enter into the development of anti-terrorism  
21 policies in the United Kingdom and the United  
22 States.

1 **SEC. 1106. ENHANCEMENT OF INTELLIGENCE COMMUNITY**  
2 **EFFORTS TO BRING OSAMA BIN LADEN AND**  
3 **OTHER AL QAEDA LEADERS TO JUSTICE.**

4 (a) ADDITIONAL APPROPRIATION FOR INTEL-  
5 LIGENCE COMMUNITY MANAGEMENT ACCOUNT.—There  
6 is hereby appropriated for the fiscal year ending Sep-  
7 tember 30, 2007, for the Intelligence Community Manage-  
8 ment Account \$200,000,000 which amount shall be avail-  
9 able only for a unit dedicated to bringing to justice Osama  
10 bin Laden and other key leaders of al Qaeda.

11 (b) REPORTS ON EFFORTS.—Not later than 60 days  
12 after the date of the enactment of this Act, and every 90  
13 days thereafter, the Secretary of Defense shall, in con-  
14 sultation with other appropriate officials, submit to the  
15 congressional defense committees, the Committee on  
16 International Relations of the House of Representatives,  
17 and the Committee on Foreign Relations of the Senate  
18 a classified report on progress made by the operations in  
19 the global war on terrorism for which funding is provided  
20 in subsection (a), including—

21 (1) an assessment of the likely current location  
22 of terrorist leaders (including Osama bin Laden and  
23 other key leaders of al Qaeda);

24 (2) a description of ongoing efforts to bring to  
25 justice such terrorists;

1           (3) a description of the cooperation provided by  
2           the governments of any countries assessed as likely  
3           locations of top leaders of al Qaeda and by other rel-  
4           evant countries;

5           (4) a description of diplomatic efforts currently  
6           being made to improve the cooperation of any gov-  
7           ernments described in paragraph (3); and

8           (5) a description of the status of, and strategy  
9           for bringing to justice, perpetrators of terrorism in-  
10          cluding the top leadership of al Qaeda.

11 **TITLE XII—PREVENTING THE**  
12 **GROWTH OF RADICAL IS-**  
13 **LAMIC FUNDAMENTALISM**  
14 **Subtitle A—Quality Educational**  
15 **Opportunities**

16 **SEC. 1201. FINDINGS, POLICY, AND DEFINITION.**

17          (a) **FINDINGS.**—Congress makes the following find-  
18          ings:

19           (1) The report of the National Commission on  
20          Terrorist Attacks Upon the United States stated  
21          that “[e]ducation that teaches tolerance, the dignity  
22          and value of each individual, and respect for dif-  
23          ferent beliefs is a key element in any global strategy  
24          to eliminate Islamic terrorism”.



1           (2) According to the United Nations Develop-  
2           ment Program Arab Human Development Report  
3           for 2002, 10,000,000 children between the ages of  
4           6 through 15 in the Arab world do not attend  
5           school, and  $\frac{2}{3}$  of the 65,000,000 illiterate adults in  
6           the Arab world are women.

7           (3) The report of the National Commission on  
8           Terrorist Attacks Upon the United States concluded  
9           that ensuring educational opportunity is essential to  
10          the efforts of the United States to defeat global ter-  
11          rorism and recommended that the United States  
12          Government “should offer to join with other nations  
13          in generously supporting [spending funds] . . . di-  
14          rectly on building and operating primary and sec-  
15          ondary schools in those Muslim states that commit  
16          to sensibly investing financial resources in public  
17          education”.

18          (b) POLICY.—It is the policy of the United States—

19               (1) to work toward the goal of dramatically in-  
20               creasing the availability of basic education in the de-  
21               veloping world, which will reduce the influence of  
22               radical madrassas and other institutions that pro-  
23               mote religious extremism;

24               (2) to join with other countries in generously  
25               supporting the International Youth Opportunity

1 Fund authorized under section 7114 of the 9/11  
2 Commission Implementation Act of 2004 (Public  
3 Law 108–458), with the goal of building and oper-  
4 ating primary and secondary schools in Muslim  
5 countries that commit to sensibly investing the re-  
6 sources of such countries in public education;

7 (3) to work with the international community,  
8 including foreign countries and international organi-  
9 zations to raise \$7,000,000,000 to \$10,000,000,000  
10 each year to fund education programs in Muslim  
11 countries;

12 (4) to offer additional incentives to countries to  
13 increase the availability of basic education; and

14 (5) to work to prevent financing of educational  
15 institutions that support radical Islamic fundamen-  
16 talism.

17 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
18 FINED.—In this subtitle, the term “appropriate congres-  
19 sional committees” means the Committee on Foreign Re-  
20 lations and the Committee on Appropriations of the Sen-  
21 ate and the Committee on International Relations and the  
22 Committee on Appropriations of the House of Representa-  
23 tives.

1 **SEC. 1202. ANNUAL REPORT TO CONGRESS.**

2 Not later than June 1 each year, the Secretary of  
3 State shall submit to the appropriate congressional com-  
4 mittees a report on the efforts of countries in the devel-  
5 oping world to increase the availability of basic education  
6 and to close educational institutions that promote religious  
7 extremism and terrorism. Each report shall include—

8 (1) a list of countries that are making serious  
9 and sustained efforts to increase the availability of  
10 basic education and to close educational institutions  
11 that promote religious extremism and terrorism;

12 (2) a list of countries that are making efforts  
13 to increase the availability of basic education and to  
14 close educational institutions that promote religious  
15 extremism and terrorism, but such efforts are not  
16 serious and sustained; and

17 (3) a list of countries that are not making ef-  
18 forts to increase the availability of basic education  
19 and to close educational institutions that promote  
20 religious extremism and terrorism.

21 **SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) INTERNATIONAL EDUCATION PROGRAMS.—There  
23 are authorized to be appropriated to the President for  
24 “Development Assistance” for international education  
25 programs carried out under sections 105 and 496 of the

1 Foreign Assistance Act of 1961 (22 U.S.C. 2151e and  
2 2293)—

3 (1) for fiscal year 2007, \$1,000,000,000; and  
4 (2) for fiscal years 2008 and 2009, such sums  
5 as may be necessary.

6 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—  
7 There are authorized to be appropriated to the President  
8 for fiscal years 2007, 2008, and 2009 such sums as may  
9 be necessary for the United States contribution to the  
10 International Youth Opportunity Fund authorized under  
11 section 7114 of the 9/11 Commission Implementation Act  
12 of 2004 (Public Law 108–458) for international education  
13 programs.

14 (c) ADDITIONAL FUNDS.—Amounts authorized to be  
15 appropriated in this section are in addition to amounts  
16 otherwise available for such purposes.

17 **Subtitle B—Democracy and**  
18 **Development in the Muslim World**

19 **SEC. 1211. PROMOTING DEMOCRACY AND DEVELOPMENT**  
20 **IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH**  
21 **ASIA, AND SOUTHEAST ASIA.**

22 (a) FINDINGS.—Congress makes the following find-  
23 ings:

24 (1) Al-Qaeda and affiliated groups have estab-  
25 lished a terrorist network with linkages throughout

1 the Middle East, Central Asia, South Asia, and  
2 Southeast Asia.

3 (2) While political repression and lack of eco-  
4 nomic development do not justify terrorism, in-  
5 creased political freedoms and economic growth can  
6 contribute to an environment that undercuts ten-  
7 dencies and conditions that facilitate the rise of ter-  
8 rorist organizations.

9 (3) It is in the national security interests of the  
10 United States to promote democracy, good govern-  
11 ance, political freedom, independent media, women's  
12 rights, private sector development, and open eco-  
13 nomic systems in the countries of the Middle East,  
14 Central Asia, South Asia, and Southeast Asia.

15 (b) POLICY.—It is the policy of the United States—

16 (1) to promote the objectives described in sub-  
17 section (a)(3) in the countries of the Middle East,  
18 Central Asia, South Asia, and Southeast Asia;

19 (2) to provide assistance and resources to orga-  
20 nizations that are committed to promoting such ob-  
21 jectives; and

22 (3) to work with other countries and inter-  
23 national organizations to increase the resources de-  
24 voted to promoting such objectives.

1           (c) STRATEGY.—Not later than 180 days after the  
2 date of the enactment of this Act, the Secretary of State  
3 shall submit to Congress a strategy to promote the policy  
4 of the United States set out in subsection (b). Such strat-  
5 egy shall describe how funds appropriated pursuant to the  
6 authorization of appropriations in subsection (d) will be  
7 used.

8           (d) AUTHORIZATION OF APPROPRIATIONS.—

9           (1) IN GENERAL.—There are authorized to be  
10 appropriated to the President for the “Economic  
11 Support Fund” for activities carried out under chap-  
12 ter 4 of part II of the Foreign Assistance Act of  
13 1961 (22 U.S.C. 2346 et seq.) to promote the policy  
14 of the United States set out in subsection (b)—

15                   (A) for fiscal year 2007, \$500,000,000;

16                   and

17                   (B) for fiscal years 2008 and 2009, such  
18 sums as may be necessary.

19           (2) SENSE OF CONGRESS ON USE OF FUNDS.—

20 It is the sense of Congress that a substantial portion  
21 of the funds appropriated pursuant to the authoriza-  
22 tion of appropriations in paragraph (1) should be  
23 made available to non-governmental organizations  
24 that have a record of success working in the coun-  
25 tries of the Middle East, Central Asia, South Asia,

1 and Southeast Asia to build and support democratic  
2 institutions, democratic parties, human rights orga-  
3 nizations, independent media, and the efforts to pro-  
4 mote the rights of women.

5 (3) ADDITIONAL FUNDS.—Amounts authorized  
6 to be appropriated in paragraph (1) are in addition  
7 to amounts otherwise available for such purposes.

8 **SEC. 1212. MIDDLE EAST FOUNDATION.**

9 (a) PURPOSES.—The purposes of this section are to  
10 support, through the provision of grants, technical assist-  
11 ance, training, and other programs, in the countries of the  
12 Middle East, the expansion of—

13 (1) civil society;

14 (2) opportunities for political participation for  
15 all citizens;

16 (3) protections for internationally recognized  
17 human rights, including the rights of women;

18 (4) educational system reforms;

19 (5) independent media;

20 (6) policies that promote economic opportunities  
21 for citizens;

22 (7) the rule of law; and

23 (8) democratic processes of government.

24 (b) MIDDLE EAST FOUNDATION.—

1           (1) DESIGNATION.—The Secretary of State is  
2           authorized to designate an appropriate private, non-  
3           profit organization that is organized or incorporated  
4           under the laws of the United States or of a State  
5           as the Middle East Foundation (referred to in this  
6           section as the “Foundation”).

7           (2) FUNDING.—The Secretary of State is au-  
8           thorized to provide funding to the Foundation  
9           through the Middle East Partnership Initiative of  
10          the Department of State. The Foundation shall use  
11          amounts provided under this paragraph to carry out  
12          the purposes of this section, including through mak-  
13          ing grants and providing other assistance to entities  
14          to carry out programs for such purposes.

15          (3) NOTIFICATION TO CONGRESSIONAL COMMIT-  
16          TEES.—The Secretary of State shall notify the Com-  
17          mittee on Foreign Relations of the Senate and the  
18          Committee on International Relations of the House  
19          of Representatives prior to designating an appro-  
20          priate organization as the Foundation.

21          (c) GRANTS FOR PROJECTS.—

22               (1) FOUNDATION TO MAKE GRANTS.—The Sec-  
23               retary of State shall enter into an agreement with  
24               the Foundation that requires the Foundation to use  
25               the funds provided under subsection (b)(2) to make



1 grants to persons (other than governments or gov-  
2 ernment entities) located in the Middle East or  
3 working with local partners based in the Middle  
4 East to carry out projects that support the purposes  
5 specified in subsection (a).

6 (2) CENTER FOR PUBLIC POLICY.—Under the  
7 agreement described in paragraph (1), the Founda-  
8 tion may make a grant to an institution of higher  
9 education located in the Middle East to create a cen-  
10 ter for public policy for the purpose of permitting  
11 scholars and professionals from the countries of the  
12 Middle East and from other countries, including the  
13 United States, to carry out research, training pro-  
14 grams, and other activities to inform public policy-  
15 making in the Middle East and to promote broad  
16 economic, social, and political reform for the people  
17 of the Middle East.

18 (3) APPLICATIONS FOR GRANTS.—An entity  
19 seeking a grant from the Foundation under this sec-  
20 tion shall submit an application to the head of the  
21 Foundation at such time, in such manner, and in-  
22 cluding such information as the head of the Founda-  
23 tion may reasonably require.

24 (d) PRIVATE CHARACTER OF THE FOUNDATION.—  
25 Nothing in this section shall be construed to—

1           (1) make the Foundation an agency or estab-  
2           lishment of the United States Government, or to  
3           make the officers or employees of the Foundation of-  
4           ficers or employees of the United States for purposes  
5           of title 5, United States Code; or

6           (2) to impose any restriction on the Founda-  
7           tion's acceptance of funds from private and public  
8           sources in support of its activities consistent with  
9           the purposes of this section.

10          (e) LIMITATION ON PAYMENTS TO FOUNDATION  
11 PERSONNEL.—No part of the funds provided to the Foun-  
12 dation under this section shall inure to the benefit of any  
13 officer or employee of the Foundation, except as salary  
14 or reasonable compensation for services.

15          (f) RETENTION OF INTEREST.—The Foundation may  
16 hold funds provided under this section in interest-bearing  
17 accounts prior to the disbursement of such funds to carry  
18 out the purposes of this section, and may retain for use  
19 for such purposes any interest earned without returning  
20 such interest to the Treasury of the United States and  
21 without further appropriation by Congress.

22          (g) FINANCIAL ACCOUNTABILITY.—

23           (1) INDEPENDENT PRIVATE AUDITS OF THE  
24 FOUNDATION.—The accounts of the Foundation  
25 shall be audited annually in accordance with gen-

1 erally accepted auditing standards by independent  
2 certified public accountants or independent licensed  
3 public accountants certified or licensed by a regu-  
4 latory authority of a State or other political subdivi-  
5 sion of the United States. The report of the inde-  
6 pendent audit shall be included in the annual report  
7 required by subsection (h).

8 (2) GAO AUDITS.—The financial transactions  
9 undertaken pursuant to this section by the Founda-  
10 tion may be audited by the General Accounting Of-  
11 fice in accordance with such principles and proce-  
12 dures and under such rules and regulations as may  
13 be prescribed by the Comptroller General of the  
14 United States.

15 (3) AUDITS OF GRANT RECIPIENTS.—

16 (A) IN GENERAL.—A recipient of a grant  
17 from the Foundation shall agree to permit an  
18 audit of the books and records of such recipient  
19 related to the use of the grant funds.

20 (B) RECORDKEEPING.—Such recipient  
21 shall maintain appropriate books and records to  
22 facilitate an audit referred to subparagraph  
23 (A), including—

24 (i) separate accounts with respect to  
25 the grant funds;

1 (ii) records that fully disclose the use  
2 of the grant funds;

3 (iii) records describing the total cost  
4 of any project carried out using grant  
5 funds; and

6 (iv) the amount and nature of any  
7 funds received from other sources that  
8 were combined with the grant funds to  
9 carry out a project.

10 (h) ANNUAL REPORTS.—Not later than January 31,  
11 2007, and annually thereafter, the Foundation shall sub-  
12 mit to Congress and make available to the public an an-  
13 nual report that includes, for the fiscal year prior to the  
14 fiscal year in which the report is submitted, a comprehen-  
15 sive and detailed description of—

16 (1) the operations and activities of the Founda-  
17 tion that were carried out using funds provided  
18 under this section;

19 (2) grants made by the Foundation to other en-  
20 tities with funds provided under this section;

21 (3) other activities of the Foundation to further  
22 the purposes of this section; and

23 (4) the financial condition of the Foundation.

1       **Subtitle C—Restoring American**  
2                   **Moral Leadership**

3       **SEC. 1221. ADVANCING UNITED STATES INTERESTS**  
4                   **THROUGH PUBLIC DIPLOMACY.**

5       (a) FINDINGS.—Congress makes the following find-  
6       ings:

7               (1) The United States needs to improve its  
8       communication of information and ideas to people in  
9       foreign countries, particularly in countries with sig-  
10      nificant Muslim populations.

11              (2) Public diplomacy should reaffirm the para-  
12      mount commitment of the United States to demo-  
13      cratic principles, including preserving the civil lib-  
14      erties of all the people of the United States, includ-  
15      ing Muslim-Americans.

16              (3) The report of the National Commission on  
17      Terrorist Attacks Upon the United States stated  
18      that, “Recognizing that Arab and Muslim audiences  
19      rely on satellite television and radio, the government  
20      has begun some promising initiatives in television  
21      and radio broadcasting to the Arab world, Iran, and  
22      Afghanistan. These efforts are beginning to reach  
23      large audiences. The Broadcasting Board of Gov-  
24      ernors has asked for much larger resources. It  
25      should get them.”.

1           (4) A significant expansion of United States  
2 international broadcasting would provide a cost-ef-  
3 fective means of improving communication with  
4 countries with significant Muslim populations by  
5 providing news, information, and analysis, as well as  
6 cultural programming, through both radio and tele-  
7 vision broadcasts.

8           (b) SPECIAL AUTHORITY FOR SURGE CAPACITY.—  
9 The United States International Broadcasting Act of 1994  
10 (22 U.S.C. 6201 et seq.) is amended by adding at the end  
11 the following new section:

12 **“SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.**

13           “(a) EMERGENCY AUTHORITY.—

14           “(1) IN GENERAL.—Whenever the President de-  
15 termines it to be important to the national interests  
16 of the United States and so certifies to the appro-  
17 priate congressional committees, the President, on  
18 such terms and conditions as the President may de-  
19 termine, is authorized to direct any department,  
20 agency, or other entity of the United States to fur-  
21 nish the Broadcasting Board of Governors with such  
22 assistance as may be necessary to provide inter-  
23 national broadcasting activities of the United States  
24 with a surge capacity to support United States for-  
25 eign policy objectives during a crisis abroad.

1           “(2) SUPERSEDES EXISTING LAW.—The au-  
2           thority of paragraph (1) supersedes any other provi-  
3           sion of law.

4           “(3) SURGE CAPACITY DEFINED.—In this sub-  
5           section, the term ‘surge capacity’ means the finan-  
6           cial and technical resources necessary to carry out  
7           broadcasting activities in a geographical area during  
8           a crisis.

9           “(b) AUTHORIZATION OF APPROPRIATIONS.—

10           “(1) IN GENERAL.—There are authorized to be  
11           appropriated to the President such sums as may be  
12           necessary for the President to carry out this section,  
13           except that no such amount may be appropriated  
14           which, when added to amounts previously appro-  
15           priated for such purpose but not yet obligated,  
16           would cause such amounts to exceed \$25,000,000.

17           “(2) AVAILABILITY OF FUNDS.—Amounts ap-  
18           propriated pursuant to the authorization of appro-  
19           priations in this subsection are authorized to remain  
20           available until expended.

21           “(3) DESIGNATION OF APPROPRIATIONS.—  
22           Amounts appropriated pursuant to the authorization  
23           of appropriations in this subsection may be referred  
24           to as the ‘United States International Broadcasting  
25           Surge Capacity Fund’.”.

1           (c) REPORT.—An annual report submitted to the  
2 President and Congress by the Broadcasting Board of  
3 Governors under section 305(a)(9) of the United States  
4 International Broadcasting Act of 1994 (22 U.S.C.  
5 6204(a)(9)) shall provide a detailed description of any ac-  
6 tivities carried out under section 316 of such Act, as added  
7 by subsection (b).

8           (d) AUTHORIZATION OF APPROPRIATIONS FOR  
9 UNITED STATES INTERNATIONAL BROADCASTING ACTIVI-  
10 TIES.—

11           (1) IN GENERAL.—In addition to amounts oth-  
12 erwise available for such purposes, the following  
13 amounts are authorized to be appropriated to carry  
14 out United States Government broadcasting activi-  
15 ties under the United States Information and Edu-  
16 cational Exchange Act of 1948 (22 U.S.C. 1431 et  
17 seq.), the United States International Broadcasting  
18 Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign  
19 Affairs Reform and Restructuring Act of 1998 (as  
20 enacted in division G of the Omnibus Consolidated  
21 and Emergency Supplemental Appropriations Act,  
22 1999; Public Law 105–277), and this division, and  
23 to carry out other authorities in law consistent with  
24 such purposes:



1 (A) INTERNATIONAL BROADCASTING OPER-  
2 ATIONS.—For “International Broadcasting Op-  
3 erations”, \$500,000,000 for the fiscal year  
4 2007.

5 (B) BROADCASTING CAPITAL IMPROVE-  
6 MENTS.—For “Broadcasting Capital Improve-  
7 ments”, \$70,000,000 for the fiscal year 2007.

8 (2) AVAILABILITY OF FUNDS.—Amounts appro-  
9 priated pursuant to the authorization of appropria-  
10 tions in this section are authorized to remain avail-  
11 able until expended.

12 **SEC. 1222. DEPARTMENT OF STATE PUBLIC DIPLOMACY**  
13 **PROGRAMS.**

14 (a) UNITED STATES EDUCATIONAL, CULTURAL, AND  
15 PUBLIC DIPLOMACY PROGRAMS.—There are authorized to  
16 be appropriated for the Department of State to carry out  
17 public diplomacy programs of the Department under the  
18 United States Information and Educational Exchange Act  
19 of 1948, the Mutual Educational and Cultural Exchange  
20 Act of 1961, Reorganization Plan Number 2 of 1977, the  
21 Foreign Affairs Reform and Restructuring Act of 1998,  
22 the Center for Cultural and Technical Interchange Be-  
23 tween East and West Act of 1960, the Dante B. Fascell  
24 North-South Center Act of 1991, and the National En-  
25 dowment for Democracy Act, and to carry out other au-

1 thorties in law consistent with the purposes of such Acts  
2 for “Educational and Cultural Exchange Programs”,  
3 \$500,000,000 for the fiscal year 2007.

4 (b) ADMINISTRATION OF FOREIGN AFFAIRS.—There  
5 are authorized to be appropriated for the Department of  
6 State under “Administration of Foreign Affairs” to carry  
7 out the authorities, functions, duties, and responsibilities  
8 in the conduct of foreign affairs of the United States, and  
9 for other purposes authorized by law for “Diplomatic and  
10 Consular Programs”, \$500,000,000 for the fiscal year  
11 2007, which shall only be available for public diplomacy  
12 international information programs.

13 **SEC. 1223. TREATMENT OF DETAINEES.**

14 (a) FINDINGS.—Consistent with the report of the Na-  
15 tional Commission on Terrorist Attacks Upon the United  
16 States, Congress makes the following findings:

17 (1) Carrying out the global war on terrorism re-  
18 quires the development of policies with respect to the  
19 detention and treatment of captured international  
20 terrorists that are adhered to by all coalition forces.

21 (2) Article 3 of the Convention Relative to the  
22 Treatment of Prisoners of War, done at Geneva Au-  
23 gust 12, 1949 (6 UST 3316), was specifically de-  
24 signed for cases in which the usual rules of war do  
25 not apply, and the minimum standards of treatment

1       pursuant to such Article are generally accepted  
2       throughout the world as customary international  
3       law.

4           (3) The Commission on Terrorist Attacks Upon  
5       the United States urged to the United States to en-  
6       gage its friends to develop a common coalition ap-  
7       proach toward the detention and humane treatment  
8       of captured terrorists. The 9/11 Public Discourse  
9       Project went on to give the Administration a rank-  
10      ing of “unfulfilled” in this area, commenting that  
11      “[d]issession either at home or abroad on how the  
12      United States treats captured terrorists only makes  
13      it harder to build the diplomatic, political and mili-  
14      tary alliance necessary to fight the war on terror ef-  
15      fectively”.

16      (b) POLICY.—The policy of the United States is as  
17      follows:

18           (1) It is the policy of the United States to treat  
19      all foreign persons captured, detained, interned, or  
20      otherwise held in the custody of the United States  
21      (hereinafter “detainees”) humanely and in accord-  
22      ance with the legal obligations under United States  
23      law and international law, including the obligations  
24      in the Convention Against Torture, the Geneva Con-  
25      ventions, and the Detainee Treatment Act of 2005.

1           (2) It is the policy of the United States that all  
2 officials of the United States are bound both in war-  
3 time and in peacetime by the legal prohibitions  
4 against torture, cruel, inhumane, or degrading treat-  
5 ment set out in the Constitution, laws, and treaties  
6 of the United States, as reiterated by the Supreme  
7 Court in *Hamdan v. Rumsfeld* (126 S. Ct. 2749  
8 (2006)).

9           (3) If there is any doubt as to whether a de-  
10 tainee is entitled to the protections afforded by the  
11 Geneva Conventions, it is the policy of the United  
12 States that such detainee shall enjoy the protections  
13 of the Convention Relative to the Treatment of Pris-  
14 oners of War, done at Geneva August 12, 1949 (6  
15 UST 3316) until such time as the detainee's status  
16 can be determined pursuant to the procedures au-  
17 thorized by Army Regulation 190–8, Section 1–6.

18           (4) It is the policy of the United States to expe-  
19 ditiously process and, if appropriate, prosecute de-  
20 tainees in the custody of the United States, includ-  
21 ing detainees in custody at Guantanamo Bay, Cuba.

22           (c) REPORTING.—The Secretary shall submit to the  
23 appropriate congressional committees the following:

24           (1) Not later than 180 days after the date of  
25 the enactment of this Act, a report setting forth the

1 number of individuals currently held at Guantanamo  
2 Bay, Cuba, the number of such individuals who are  
3 unlikely to face a military commission in the next six  
4 months, and each reason for not bringing such indi-  
5 viduals before a military commission.

6 (2) Not later than 90 days after the date of the  
7 enactment of this Act, a report setting forth all in-  
8 terrogation techniques approved, as of the date of  
9 the enactment of this Act, by officials of the United  
10 States for use with detainees.

11 (d) RULES, REGULATIONS, AND GUIDELINES.—

12 (1) REQUIREMENT.—Not later than 180 days  
13 after the date of the enactment of this Act, the Sec-  
14 retary and the Director shall prescribe the rules,  
15 regulations, or guidelines necessary to ensure com-  
16 pliance with the standards of the Detainee Treat-  
17 ment Act of 2005 and Common Article 3 of the Ge-  
18 neva Conventions by all personnel of the United  
19 States Government and by any person providing  
20 services to the United States Government on a con-  
21 tract basis.

22 (2) REPORT TO CONGRESS.—The Secretary and  
23 the Director shall submit to Congress the rules, reg-  
24 ulations, or guidelines prescribed under paragraph

1 (1), and any modifications to such rules, regulations,  
2 or guidelines—

3 (A) not later than 30 days after the effec-  
4 tive date of such rules, regulations, guidelines,  
5 or modifications; and

6 (B) in a manner and form that will protect  
7 the national security interests of the United  
8 States.

9 (e) REPORTS ON POSSIBLE VIOLATIONS.—

10 (1) REQUIREMENT.—The Secretary and the Di-  
11 rector shall each submit, on a timely basis and not  
12 less than twice each year, a report to Congress on  
13 the circumstances surrounding, and a status report  
14 on, any investigation of, or prosecution on account  
15 of, a possible violation of the standards specified in  
16 subsection (d)(1) by United States Government per-  
17 sonnel or by a person providing services to the  
18 United States Government on a contract basis.

19 (2) FORM OF REPORT.—A report required  
20 under paragraph (1) shall be submitted in a manner  
21 and form that—

22 (A) will protect the national security inter-  
23 ests of the United States; and

1 (B) will not prejudice any prosecution of  
2 an individual alleged to have violated the stand-  
3 ards specified in subsection (d)(1).

4 (f) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees” means the Committee on Armed Services,  
8 the Committee on the Judiciary, and the Committee  
9 on Foreign Relations of the Senate and the Com-  
10 mittee on Armed Services, the Committee on the Ju-  
11 diciary, and the Committee on International Rela-  
12 tions of the House of Representatives.

13 (2) CONVENTION AGAINST TORTURE.—The  
14 term “Convention Against Torture” means the Con-  
15 vention Against Torture and Other Cruel, Inhuman  
16 or Degrading Treatment or Punishment, done at  
17 New York December 10, 1984.

18 (3) DIRECTOR.—The term “Director” means  
19 the Director of National Intelligence.

20 (4) GENEVA CONVENTIONS.—The term “Gene-  
21 va Conventions” means—

22 (A) the Convention for the Amelioration of  
23 the Condition of the Wounded and Sick in  
24 Armed Forces in the Field, done at Geneva Au-  
25 gust 12, 1949 (6 UST 3114);

1 (B) the Convention for the Amelioration of  
2 the Condition of the Wounded, Sick, and Ship-  
3 wrecked Members of Armed Forces at Sea,  
4 done at Geneva August 12, 1949 (6 UST  
5 3217);

6 (C) the Convention Relative to the Treat-  
7 ment of Prisoners of War, done at Geneva Au-  
8 gust 12, 1949 (6 UST 3316); and

9 (D) the Convention Relative to the Protec-  
10 tion of Civilian Persons in Time of War, done  
11 at Geneva August 12, 1949 (6 UST 3516).

12 (5) SECRETARY.—The term “Secretary” means  
13 the Secretary of Defense.

14 (6) TORTURE.—The term “torture” has the  
15 meaning given that term in section 2340 of title 18,  
16 United States Code.

17 **SEC. 1224. NATIONAL COMMISSION TO REVIEW POLICY RE-**  
18 **GARDING THE TREATMENT OF DETAINEES.**

19 (a) ESTABLISHMENT OF COMMISSION.—There is es-  
20 tablished the National Commission To Review Policy Re-  
21 garding the Treatment of Detainees.

22 (b) PURPOSES.—The purposes of the Commission are  
23 as follows:

24 (1) To examine and report upon the role of poli-  
25 icymakers in the interrogation and detention policies



1 related to the treatment of individuals detained dur-  
2 ing Operation Iraqi Freedom or Operation Enduring  
3 Freedom.

4 (2) To examine and report on the causes of the  
5 alleged mistreatment of detainees by United States  
6 personnel and the impact of such mistreatment on  
7 the security of the Armed Forces of the United  
8 States.

9 (3) To build upon the reviews of the policies of  
10 the United States related to the treatment of indi-  
11 viduals detained by the United States, including  
12 such reviews conducted by the executive branch,  
13 Congress, or other entities.

14 (c) COMPOSITION OF THE COMMISSION.—

15 (1) MEMBERS.—The Commission shall be com-  
16 posed of 15 members, of whom—

17 (A) 3 members shall be appointed by the  
18 majority leader of the Senate;

19 (B) 3 members shall be appointed by the  
20 Speaker of the House of Representatives;

21 (C) 3 members shall be appointed by the  
22 minority leader of the Senate;

23 (D) 3 members shall be appointed by the  
24 minority leader of the House of Representa-  
25 tives;

1 (E) 1 member shall be appointed by the  
2 Judge Advocate General of the Army;

3 (F) 1 member shall be appointed by the  
4 Judge Advocate General of the Navy; and

5 (G) 1 member shall be appointed by the  
6 Judge Advocate General of the Air Force.

7 (2) CHAIRPERSON; VICE CHAIRPERSON.—

8 (A) IN GENERAL.—Subject to subpara-  
9 graph (B), the Chairperson and Vice Chair-  
10 person of the Commission shall be elected by  
11 the members.

12 (B) POLITICAL PARTY AFFILIATION.—The  
13 Chairperson and Vice Chairperson may not be  
14 from the same political party.

15 (3) INITIAL MEETING.—Once 10 or more mem-  
16 bers of the Commission have been appointed, those  
17 members who have been appointed may meet and, if  
18 necessary, select a temporary chairperson, who may  
19 begin the operations of the Commission, including  
20 the hiring of staff.

21 (4) QUORUM; VACANCIES.—After its initial  
22 meeting, the Commission shall meet upon the call of  
23 the Chairperson or a majority of its members. Eight  
24 members of the Commission shall constitute a  
25 quorum. Any vacancy in the Commission shall not

1       affect its powers, but shall be filled in the same  
2       manner in which the original appointment was  
3       made.

4           (5) SENSE OF CONGRESS ON QUALIFICATIONS  
5       OF COMMISSION MEMBERS.—It is the sense of Con-  
6       gress that individuals appointed to the Commission  
7       should be prominent United States citizens, with na-  
8       tional recognition and significant depth of experience  
9       in the fields of intelligence, law enforcement, or for-  
10      eign affairs, or experience serving the United States  
11      Government, including service in the Armed Forces.

12      (d) FUNCTIONS OF THE COMMISSION.—The func-  
13      tions of the Commission are—

14           (1) to conduct an investigation that—

15           (A) investigates the development and im-  
16           plementation of policy relating to the treatment  
17           of individuals detained during Operation Iraqi  
18           Freedom or Operation Enduring Freedom;

19           (B) determines whether the United States  
20           policy related to the treatment of detained indi-  
21           viduals has adversely affected the security of  
22           the members of the Armed Forces of the  
23           United States;

24           (C) determines the causes and factors con-  
25           tributing to the alleged abuse of detainees, and

1           whether and to what extent the incidences of  
2           abuse of detained individuals has affected the  
3           standing of the United States in the world;

4           (D) determines whether and to what extent  
5           leaders of the United States Armed Forces were  
6           given the opportunity to comment on and influ-  
7           ence policy relating to treatment of detained in-  
8           dividuals;

9           (E) assesses the responsibility of leaders  
10          for policies and actions, or failures to act, that  
11          may have contributed to the mistreatment of  
12          detainees; and

13          (F) determines whether and to what extent  
14          policy relating to the treatment of individuals  
15          detained during Operation Iraqi Freedom or  
16          Operation Enduring Freedom differed from the  
17          policies and practices regarding detainees estab-  
18          lished by the Armed Forces prior to such oper-  
19          ations; and

20          (2) to submit to the President and Congress  
21          such report as is required by this section containing  
22          such findings, conclusions, and recommendations as  
23          the Commission shall determine, including proposing  
24          organization, coordination, planning, management  
25          arrangements, procedures, rules, and regulations.

1 (e) POWERS OF THE COMMISSION.—

2 (1) IN GENERAL.—

3 (A) HEARINGS AND EVIDENCE.—The  
4 Commission or, on the authority of the Com-  
5 mission, any subcommittee or member thereof,  
6 may, for the purpose of carrying out this sec-  
7 tion—

8 (i) hold such hearings and sit and act  
9 at such times and places, take such testi-  
10 mony, receive such evidence, administer  
11 such oaths; and

12 (ii) require, by subpoena or otherwise,  
13 the attendance and testimony of such wit-  
14 nesses and the production of such books,  
15 records, correspondence, memoranda, ca-  
16 bles, electronic messages, papers, and doc-  
17 uments, as the Commission or such des-  
18 ignated subcommittee or designated mem-  
19 ber may determine advisable.

20 (B) SUBPOENAS.—

21 (i) ISSUANCE.—Subpoenas issued  
22 under subparagraph (A)(ii) may be issued  
23 under the signature of the Chairperson of  
24 the Commission, the Vice Chairperson of  
25 the Commission, the chairperson of any

1 subcommittee created by a majority of the  
2 Commission, or any member designated by  
3 a majority of the Commission, and may be  
4 served by any person designated by the  
5 Chairperson, subcommittee chairperson, or  
6 member.

7 (ii) ENFORCEMENT.—

8 (I) IN GENERAL.—In the case of  
9 contumacy or failure to obey a sub-  
10 poena issued under subparagraph  
11 (A)(ii), the United States district  
12 court for the judicial district in which  
13 the subpoenaed person resides, is  
14 served, or may be found, or where the  
15 subpoena is returnable, may issue an  
16 order requiring such person to appear  
17 at any designated place to testify or  
18 to produce documentary or other evi-  
19 dence. Any failure to obey the order of  
20 the court may be punished by the  
21 court as a contempt of that court.

22 (II) ADDITIONAL ENFORCE-  
23 MENT.—In the case of any failure of  
24 any witness to comply with any sub-  
25 poena or to testify when summoned

1 under authority of this section, the  
2 Commission may, by majority vote,  
3 certify a statement of fact consti-  
4 tuting such failure to the appropriate  
5 United States attorney, who may  
6 bring the matter before the grand  
7 jury for its action, under the same  
8 statutory authority and procedures as  
9 if the United States attorney had re-  
10 ceived a certification under sections  
11 102 through 104 of the Revised Stat-  
12 utes of the United States (2 U.S.C.  
13 192 through 194).

14 (2) CLOSED MEETINGS.—

15 (A) IN GENERAL.—Meetings of the Com-  
16 mission may be closed to the public under sec-  
17 tion 10(d) of the Federal Advisory Committee  
18 Act (5 U.S.C. App.) or other applicable law.

19 (B) ADDITIONAL AUTHORITY.—In addition  
20 to the authority under subparagraph (A), sec-  
21 tion 10(a)(1) and (3) of the Federal Advisory  
22 Committee Act (5 U.S.C. App.) shall not apply  
23 to any portion of a Commission meeting if the  
24 President determines that such portion or por-  
25 tions of that meeting is likely to disclose mat-

1           ters that could endanger national security. If  
2           the President makes such determination, the re-  
3           quirements relating to a determination under  
4           section 10(d) of that Act shall apply.

5           (3) CONTRACTING.—The Commission may, to  
6           such extent and in such amounts as are provided in  
7           appropriation Acts, enter into contracts to enable  
8           the Commission to discharge its duties under this  
9           section.

10          (4) INFORMATION FROM FEDERAL AGENCIES.—  
11          The Commission is authorized to secure directly  
12          from any executive department, bureau, agency,  
13          board, commission, office, independent establish-  
14          ment, or instrumentality of the Government infor-  
15          mation, suggestions, estimates, and statistics for the  
16          purposes of this section. Each department, bureau,  
17          agency, board, commission, office, independent es-  
18          tablishment, or instrumentality shall, to the extent  
19          authorized by law, furnish such information, sugges-  
20          tions, estimates, and statistics directly to the Com-  
21          mission, upon request made by the Chairperson, the  
22          chairperson of any subcommittee created by a ma-  
23          jority of the Commission, or any member designated  
24          by a majority of the Commission.

25          (5) ASSISTANCE FROM FEDERAL AGENCIES.—



1           (A) GENERAL SERVICES ADMINISTRA-  
2           TION.—The Administrator of General Services  
3           shall provide to the Commission on a reimburs-  
4           able basis administrative support and other  
5           services for the performance of the Commis-  
6           sion's functions.

7           (B) OTHER DEPARTMENTS AND AGEN-  
8           CIES.—In addition to the assistance prescribed  
9           in subparagraph (A), departments and agencies  
10          of the United States are authorized to provide  
11          to the Commission such services, funds, facili-  
12          ties, staff, and other support services as they  
13          may determine advisable and as may be author-  
14          ized by law.

15          (6) GIFTS.—The Commission may accept, use,  
16          and dispose of gifts or donations of services or prop-  
17          erty.

18          (7) POSTAL SERVICES.—The Commission may  
19          use the United States mails in the same manner and  
20          under the same conditions as departments and agen-  
21          cies of the United States.

22          (f) STAFF OF THE COMMISSION.—

23               (1) APPOINTMENT AND COMPENSATION.—The  
24          Chairperson and Vice Chairperson, in accordance  
25          with rules agreed upon by the Commission, may ap-

1 point and fix the compensation of a staff director  
2 and such other personnel as may be necessary to en-  
3 able the Commission to carry out its functions, with-  
4 out regard to the provisions of title 5, United States  
5 Code, governing appointments in the competitive  
6 service, and without regard to the provisions of  
7 chapter 51 and subchapter III of chapter 53 of such  
8 title relating to classification and General Schedule  
9 pay rates, except that no rate of pay fixed under this  
10 subsection may exceed the equivalent of that payable  
11 for a position at level V of the Executive Schedule  
12 under section 5316 of title 5, United States Code.

13 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

14 (A) IN GENERAL.—The executive director  
15 and any personnel of the Commission who are  
16 employees shall be employees under section  
17 2105 of title 5, United States Code, for pur-  
18 poses of chapters 63, 81, 83, 84, 85, 87, 89,  
19 and 90 of that title.

20 (B) MEMBERS OF COMMISSION.—Subpara-  
21 graph (A) shall not be construed to apply to a  
22 member of the Commission.

23 (3) DETAILEES.—Any Federal Government em-  
24 ployee may be detailed to the Commission without  
25 reimbursement from the Commission, and such

1        detailee shall retain the rights, status, and privileges  
2        of his or her regular employment without interrup-  
3        tion.

4            (4) CONSULTANT SERVICES.—The Commission  
5        is authorized to procure the services of experts and  
6        consultants in accordance with section 3109 of title  
7        5, United States Code, but at rates not to exceed the  
8        daily rate paid a person occupying a position at level  
9        IV of the Executive Schedule under section 5315 of  
10       title 5, United States Code.

11       (g) COMPENSATION AND TRAVEL EXPENSES.—

12            (1) COMPENSATION.—Each member of the  
13        Commission may be compensated at not to exceed  
14        the daily equivalent of the annual rate of basic pay  
15        in effect for a position at level IV of the Executive  
16        Schedule under section 5315 of title 5, United  
17        States Code, for each day during which that member  
18        is engaged in the actual performance of the duties  
19        of the Commission.

20            (2) TRAVEL EXPENSES.—While away from  
21        their homes or regular places of business in the per-  
22        formance of services for the Commission, members  
23        of the Commission shall be allowed travel expenses,  
24        including per diem in lieu of subsistence, in the  
25        same manner as persons employed intermittently in

1 the Government service are allowed expenses under  
2 section 5703(b) of title 5, United States Code.

3 (h) SECURITY CLEARANCES FOR COMMISSION MEM-  
4 BERS AND STAFF.—The appropriate departments and  
5 agencies of the Government shall cooperate with the Com-  
6 mission in expeditiously providing to the Commission  
7 members and staff appropriate security clearances in a  
8 manner consistent with existing procedures and require-  
9 ments, except that no person shall be provided with access  
10 to classified information under this section who would not  
11 otherwise qualify for such security clearance.

12 (i) REPORT OF THE COMMISSION.—Not later than 9  
13 months after the date of the first meeting of the Commis-  
14 sion, the Commission shall submit to the President and  
15 Congress a report containing such findings, conclusions,  
16 and recommendations as have been agreed to by a major-  
17 ity of Commission members.

18 (j) TERMINATION.—

19 (1) TERMINATION.—The Commission, and all  
20 the authorities of this section, shall terminate 60  
21 days after the date on which the report is submitted  
22 under subsection (i).

23 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-  
24 MINATION.—The Commission may use the 60-day  
25 period referred to in paragraph (1) for the purpose

1 of concluding its activities, including providing testi-  
2 mony to committees of Congress concerning its re-  
3 ports and disseminating the second report.

4 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated to the Commission to  
6 carry out this section \$5,000,000, to remain available  
7 until expended.

8 **Subtitle D—Strategy for the United**  
9 **States Relationship With Af-**  
10 **ghanistan, Pakistan, and Saudi**  
11 **Arabia**

12 **SEC. 1231. AFGHANISTAN.**

13 (a) AFGHANISTAN FREEDOM SUPPORT ACT OF  
14 2002.—Section 108(a) the Afghanistan Freedom Support  
15 Act of 2002 (22 U.S.C. 7518(a)) is amended by striking  
16 “such sums as may be necessary for each of the fiscal  
17 years 2005 and 2006” and inserting “\$2,400,000,000 for  
18 fiscal year 2007 and such sums as may be necessary for  
19 each of the fiscal years 2008 and 2009”.

20 (b) OTHER AUTHORIZATIONS OF APPROPRIATIONS  
21 FOR FOREIGN RELATIONS ACTIVITIES.—

22 (1) FISCAL YEAR 2007.—There are authorized  
23 to be appropriated to the President for providing as-  
24 sistance for Afghanistan in a manner consistent with  
25 the provisions of the Afghanistan Freedom Support

1 Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year  
2 2007—

3 (A) for “International Military Education  
4 and Training”, \$1,000,000 to carry out the  
5 provisions of section 541 of the Foreign Assist-  
6 ance Act of 1961 (22 U.S.C. 2347);

7 (B) for “Foreign Military Financing Pro-  
8 gram” grants, \$444,000,000 to carry out the  
9 provisions of section 23 of the Arms Export  
10 Control Act (22 U.S.C. 2763); and

11 (C) for “Peacekeeping Operations”,  
12 \$30,000,000 to carry out the provisions of sec-  
13 tion 551 of the Foreign Assistance Act of 1961  
14 (22 U.S.C. 2348).

15 (2) FISCAL YEARS 2008 AND 2009.—

16 (A) AUTHORIZATION OF APPROPRIA-  
17 TION.—There are authorized to be appropriated  
18 for each of the purposes described in subpara-  
19 graphs (A) through (C) of paragraph (1) such  
20 sums as may be necessary for each of the fiscal  
21 years 2008 and 2009.

22 (B) SENSE OF CONGRESS.—It is the sense  
23 of Congress that the amount appropriated for  
24 each purpose described in subparagraphs (A)  
25 through (C) of paragraph (1) for each of the

1           fiscal years 2008 and 2009 should be an  
2           amount that is equal to 125 percent of the  
3           amount appropriated for such purpose during  
4           the preceding fiscal year.

5           (c) **AUTHORIZATION OF APPROPRIATIONS FOR OPER-**  
6 **ATION AND MAINTENANCE, DEFENSE-WIDE.**—There are  
7 authorized to be appropriated for fiscal year 2007 for the  
8 use of the Armed Forces and other activities and agencies  
9 of the Department of Defense for expenses, not otherwise  
10 provided for, for operation and maintenance, for Defense-  
11 wide activities, \$20,000,000 for support to provisional re-  
12 construction teams in Afghanistan.

13           (d) **OTHER FUNDS.**—Amounts authorized to be ap-  
14 propriated under this section are in addition to amounts  
15 otherwise available for such purposes.

16 **SEC. 1232. PAKISTAN.**

17           (a) **FINDINGS.**—Congress makes the following find-  
18 ings:

19           (1) Since September 11, 2001, the Government  
20 of Pakistan has been an important partner in help-  
21 ing the United States remove the Taliban regime in  
22 Afghanistan and combating international terrorism  
23 in the frontier provinces of Pakistan.

24           (2) There remain a number of critical issues  
25 that threaten to disrupt the relationship between the

1 United States and Pakistan, undermine inter-  
2 national security, and destabilize Pakistan, includ-  
3 ing—

4 (A) curbing the proliferation of nuclear  
5 weapons technology;

6 (B) combating poverty and corruption;

7 (C) building effective government institu-  
8 tions, especially secular public schools;

9 (D) promoting democracy and rule of law,  
10 particularly at the national level; and

11 (E) effectively dealing with Islamic extre-  
12 mism.

13 (b) POLICY.—It is the policy of the United States—

14 (1) to work with the Government of Pakistan to  
15 combat international terrorism, especially in the  
16 frontier provinces of Pakistan;

17 (2) to establish a long-term strategic partner-  
18 ship with the Government of Pakistan to address the  
19 issues described in subparagraphs (A) through (E)  
20 of subsection (a)(2);

21 (3) to dramatically increase funding for United  
22 States Agency for International Development and  
23 Department of State programs that assist Pakistan  
24 in addressing such issues, if the Government of



1 Pakistan demonstrates a commitment to building a  
2 moderate, democratic state; and

3 (4) to work with the international community to  
4 secure additional financial and political support to  
5 effectively implement the policies set forth in this  
6 subsection and help to resolve the dispute between  
7 the Government of Pakistan and the Government of  
8 India over the disputed territory of Kashmir.

9 (c) STRATEGY ON PAKISTAN.—

10 (1) REQUIREMENT FOR REPORT ON STRAT-  
11 EGY.—Not later than 90 days after the date of the  
12 enactment of this Act, the President shall submit to  
13 the appropriate congressional committees a report,  
14 in classified form if necessary, that describes the  
15 long-term strategy of the United States to engage  
16 with the Government of Pakistan to address the  
17 issues described in subparagraphs (A) through (E)  
18 of subsection (a)(2) in order accomplish the goal of  
19 building a moderate, democratic Pakistan.

20 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
21 TEES DEFINED.—In this subsection the term “ap-  
22 propriate congressional committees” means—

23 (A) the Committees on Appropriations,  
24 Armed Services, and Foreign Relations of the  
25 Senate; and

1                   (B) the Committees on Appropriations,  
2                   Armed Services, and International Relations of  
3                   the House of Representatives.

4           (d) NUCLEAR PROLIFERATION.—

5                   (1) SENSE OF CONGRESS.—It is the sense of  
6                   Congress that the national security interest of the  
7                   United States will best be served if the United  
8                   States develops and implements a long-term strategy  
9                   to improve the United States relationship with Paki-  
10                  stan and works with the Government of Pakistan to  
11                  stop nuclear proliferation.

12                  (2) LIMITATION ON ASSISTANCE TO PAKI-  
13                  STAN.—None of the funds appropriated for a fiscal  
14                  year to provide military or economic assistance to  
15                  the Government of Pakistan may be made available  
16                  for such purpose unless the President submits to  
17                  Congress for such fiscal year a certification that no  
18                  military or economic assistance provided by the  
19                  United States to the Government of Pakistan will be  
20                  provided, either directly or indirectly, to a person  
21                  that is opposing or undermining the efforts of the  
22                  United States Government to halt the proliferation  
23                  of nuclear weapons.

24           (e) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There are authorized to be  
2           appropriated to the President for providing assist-  
3           ance for Pakistan for fiscal year 2007—

4                   (A) for “Development Assistance”,  
5                   \$50,000,000 to carry out the provisions of sec-  
6                   tion 103, 105, and 106 of the Foreign Assist-  
7                   ance Act of 1961 (22 U.S.C. 2151a, 2151c, and  
8                   2151d,);

9                   (B) for the “Child Survival and Health  
10                   Programs Fund”, \$35,000,000 to carry out the  
11                   provisions of sections 104 of the Foreign Assist-  
12                   ance Act of 1961 (22 U.S.C. 2151b);

13                   (C) for the “Economic Support Fund”,  
14                   \$350,000,000 to carry out the provisions of  
15                   chapter 4 of part II of the Foreign Assistance  
16                   Act of 1961 (22 U.S.C. 2346 et seq.);

17                   (D) for “International Narcotics and Law  
18                   Enforcement”, \$50,000,000 to carry out the  
19                   provisions of section 481 of the Foreign Assist-  
20                   ance Act of 1961 (22 U.S.C. 2291);

21                   (E) for “Nonproliferation, Anti-Terrorism,  
22                   Demining, and Related Programs”,  
23                   \$10,000,000;

24                   (F) for “International Military Education  
25                   and Training”, \$2,000,000 to carry out the

1 provisions of section 541 of the Foreign Assist-  
2 ance Act of 1961 (22 U.S.C. 2347); and

3 (G) for “Foreign Military Financing Pro-  
4 gram”, \$300,000,000 grants to carry of the  
5 provision of section 23 of the Arms Export  
6 Control Act (22 U.S.C. 2763).

7 (2) OTHER FUNDS.—Amounts authorized to be  
8 appropriated under this section are in addition to  
9 amounts otherwise available for such purposes.

10 **SEC. 1233. SAUDI ARABIA.**

11 (a) FINDINGS.—Congress makes the following find-  
12 ings:

13 (1) The Kingdom of Saudi Arabia has an un-  
14 even record in the fight against terrorism, especially  
15 with respect to terrorist financing, support for rad-  
16 ical madrassas, and a lack of political outlets for its  
17 citizens, that poses a threat to the security of the  
18 United States, the international community, and the  
19 Kingdom of Saudi Arabia itself.

20 (2) The United States has a national security  
21 interest in working with the Government of Saudi  
22 Arabia to combat international terrorists that oper-  
23 ate within that nation or that operate outside Saudi  
24 Arabia with the support of citizens of Saudi Arabia.

1           (3) In order to more effectively combat ter-  
2           rorism, the Government of Saudi Arabia must un-  
3           dertake a number of political and economic reforms,  
4           including increasing anti-terrorism operations con-  
5           ducted by law enforcement agencies, providing more  
6           political rights to its citizens, increasing the rights  
7           of women, engaging in comprehensive educational  
8           reform, enhancing monitoring of charitable organiza-  
9           tions, promulgating and enforcing domestic laws and  
10          regulation on terrorist financing.

11          (b) POLICY.—It is the policy of the United States—

12           (1) to engage with the Government of Saudi  
13           Arabia to openly confront the issue of terrorism, as  
14           well as other problematic issues such as the lack of  
15           political freedoms, with the goal of restructuring the  
16           relationship on terms that leaders of both nations  
17           can publicly support;

18           (2) to enhance counterterrorism cooperation  
19           with the Government of Saudi Arabia, if the political  
20           leaders of such Government are committed to mak-  
21           ing a serious, sustained effort to combat terrorism;  
22           and

23           (3) to support the efforts of the Government of  
24           Saudi Arabia to make political, economic, and social  
25           reforms throughout the country.

1 (c) STRATEGY ON SAUDI ARABIA.—

2 (1) REQUIREMENT FOR REPORT ON STRAT-  
3 EGY.—Not later than 90 days after the date of the  
4 enactment of this Act, the President shall submit to  
5 the appropriate congressional committees a report,  
6 in classified form if necessary, that describes the  
7 long-term strategy of the United States—

8 (A) to engage with the Government of  
9 Saudi Arabia to facilitate political, economic,  
10 and social reforms that will enhance the ability  
11 of the Government of Saudi Arabia to combat  
12 international terrorism; and

13 (B) to effectively prevent the financing of  
14 terrorists in Saudi Arabia.

15 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
16 TEES DEFINED.—In this subsection the term “ap-  
17 propriate congressional committees” means—

18 (A) the Committees on Appropriations,  
19 Armed Services, and Foreign Relations of the  
20 Senate; and

21 (B) the Committees on Appropriations,  
22 Armed Services, and International Relations of  
23 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           (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-  
10licing 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 ligence.

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 (c) 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 ligencc 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 ligence 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 ligence 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 igation 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”;

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) S E C U R I T Y I N C I D E N T S . — D u r i n g a t r a n s p o r -  
4 t a t i o n s e c u r i t y i n c i d e n t ( a s d e f i n e d i n s e c t i o n 7 0 1 0 1 ( 6 ) o f  
5 t h i s t i t l e ) i n v o l v i n g a p o r t , t h e C o a s t G u a r d C a p t a i n o f  
6 t h e P o r t , d e s i g n a t e d b y t h e C o m m a n d a n t o f t h e C o a s t  
7 G u a r d , i n e a c h j o i n t o p e r a t i o n s c e n t e r f o r m a r i t i m e s e c u -  
8 r i t y s h a l l a c t a s t h e i n c i d e n t c o m m a n d e r , u n l e s s o t h e r w i s e  
9 d i r e c t e d u n d e r t h e N a t i o n a l M a r i t i m e T r a n s p o r t a t i o n S e -  
10 c u r i t y P l a n e s t a b l i s h e d u n d e r s e c t i o n 7 0 1 0 3 o f t h i s t i t l e  
11 o r b y t h e P r e s i d e n t . ” .

12 (b) C L E R I C A L A M E N D M E N T . — T h e c h a p t e r a n a l y s i s  
13 f o r c h a p t e r 7 0 1 o f t i t l e 4 6 , U n i t e d S t a t e s C o d e , i s a m e n d -  
14 e d b y i n s e r t i n g a f t e r t h e i t e m r e l a t i n g t o s e c t i o n 7 0 1 0 3  
15 t h e f o l l o w i n g n e w i t e m :

“70103A. Interagency operational command centers for port security.”.

16 (c) B U D G E T A N D C O S T - S H A R I N G A N A L Y S I S . — N o t  
17 l a t e r t h a n 1 8 0 d a y s a f t e r t h e d a t e o f t h e e n a c t m e n t o f  
18 t h i s A c t , t h e S e c r e t a r y o f t h e d e p a r t m e n t i n w h i c h t h e  
19 C o a s t G u a r d i s o p e r a t i n g s h a l l s u b m i t t o t h e C o m m i t t e e  
20 o n C o m m e r c e , S c i e n c e , a n d T r a n s p o r t a t i o n o f t h e S e n a t e ,  
21 a n d t h e C o m m i t t e e o n H o m e l a n d S e c u r i t y o f t h e H o u s e  
22 o f R e p r e s e n t a t i v e s , a p r o p o s e d b u d g e t a n a l y s i s f o r i m p l e -  
23 m e n t i n g s u b s e c t i o n ( a ) o f s e c t i o n 7 0 1 0 3 A o f t i t l e 4 6 ,  
24 U n i t e d S t a t e s C o d e ( a s a d d e d b y s u b s e c t i o n ( a ) o f t h i s  
25 s e c t i o n ) , i n c l u d i n g c o s t - s h a r i n g a r r a n g e m e n t s w i t h o t h e r



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”; and**

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

18           “(c) FOREIGN ASSISTANCE PROGRAMS.—

19                   “(1) IN GENERAL.—The Secretary, in consulta-  
20           tion with the Secretary of Transportation, the Sec-  
21           retary of State, the Secretary of Energy, and the  
22           Commandant of the United States Coast Guard,  
23           shall identify foreign assistance programs that could  
24           facilitate implementation of port security  
25           antiterrorism measures in foreign countries. The

1 Secretary shall establish a strategic plan to utilize  
2 the programs that are capable of implementing port  
3 security antiterrorism measures at ports in foreign  
4 countries that the Secretary finds, under section  
5 70108, to lack effective antiterrorism measures.

6 “(2) CARIBBEAN BASIN.—The Secretary, in co-  
7 ordination with the Secretary of State and in con-  
8 sultation with the Organization of American States  
9 and the Commandant of the United States Coast  
10 Guard, shall place particular emphasis on utilizing  
11 programs to facilitate the implementation of port se-  
12 curity antiterrorism measures at the ports located in  
13 the Caribbean Basin, as such ports pose unique se-  
14 curity and safety threats to the United States due  
15 to—

16 “(A) the strategic location of such ports  
17 between South America and United States;

18 “(B) the relative openness of such ports;  
19 and

20 “(C) the significant number of shipments  
21 of narcotics to the United States that are  
22 moved through such ports.

23 “(3) INTERNATIONAL CARGO SECURITY STAND-  
24 ARDS.—The Secretary, in consultation with the Sec-  
25 retary of State, shall enter into negotiations with

1 foreign governments and international organizations,  
2 including the International Maritime Organization,  
3 the World Customs Organization, and the Inter-  
4 national Standards Organization, as appropriate—

5 “(A) to promote standards for the security  
6 of containers and other cargo moving within the  
7 international supply chain;

8 “(B) to encourage compliance with min-  
9 imum technical requirements for the capabilities  
10 of nonintrusive inspection equipment, including  
11 imaging and radiation detection devices, estab-  
12 lished under the Maritime Transportation Secu-  
13 rity Act of 2006;

14 “(C) to implement the requirements of the  
15 container security initiative under section  
16 70117; and

17 “(D) to implement standards and proce-  
18 dures established under section 70119.”.

19 (b) REPORT ON SECURITY AT PORTS IN THE CARIB-  
20 BEAN BASIN.—Not later than 180 days after the date of  
21 the enactment of this Act, the Comptroller General of the  
22 United States shall submit to the Committee on Com-  
23 merce, Science, and Transportation of the Senate, the  
24 Committee on Transportation and Infrastructure of the  
25 House of Representatives, and the Committee on Home-

1 land Security of the House of Representatives a report on  
2 the security of ports in the Caribbean Basin. The report—

3 (1) shall include—

4 (A) an assessment of the effectiveness of  
5 the measures employed to improve security at  
6 ports in the Caribbean Basin and recommenda-  
7 tions for any additional measures to improve  
8 such security;

9 (B) an estimate of the number of ports in  
10 the Caribbean Basin that will not be secured by  
11 July 1, 2007, and an estimate of the financial  
12 impact in the United States of any action taken  
13 pursuant to section 70110 of title 46, United  
14 States Code, that affects trade between such  
15 ports and the United States; and

16 (C) an assessment of the additional re-  
17 sources and program changes that are nec-  
18 essary to maximize security at ports in the Car-  
19ibbean Basin; and

20 (2) may be submitted in both classified and re-  
21 dacted formats.

22 (c) CONFORMING AMENDMENT.—The chapter anal-  
23 ysis for chapter 701 of title 46, United States Code, is  
24 amended by striking the item relating to section 70901  
25 and inserting the following:

“70901. International cooperation and coordination”.

1 **SEC. 3106. PORT SECURITY GRANTS.**

2 (a) BASIS FOR GRANTS.—Section 70107(a) of title  
3 46, United States Code, is amended by striking “for mak-  
4 ing a fair and equitable allocation of funds” and inserting  
5 “based on risk and vulnerability”.

6 (b) LETTERS OF INTENT.—Section 70107(e) of title  
7 46, United States Code, is amended by adding at the end  
8 the following:

9 “(5) LETTERS OF INTENT.—The Secretary may  
10 execute letters of intent to commit funding for eligi-  
11 ble costs. Not more than 20 percent of the grant  
12 funds awarded under this subsection in any fiscal  
13 year may be awarded for projects that span multiple  
14 years.”.

15 **SEC. 3107. OPERATION SAFE COMMERCE.**

16 Section 70107 of title 46, United States Code, is  
17 amended by adding at the end the following new sub-  
18 section:

19 “(j) OPERATION SAFE COMMERCE.—

20 “(1) IN GENERAL.—Not later than 1 year after  
21 the date of the enactment of the Maritime Transpor-  
22 tation Security Act of 2006, the Secretary shall ini-  
23 tiate grant projects that—

24 “(A) integrate nonintrusive inspection and  
25 radiation detection equipment with automatic

1 identification methods for containers, vessels,  
2 and vehicles;

3 “(B) test physical access control protocols  
4 and technologies;

5 “(C) create a data sharing network capable  
6 of transmitting data required by entities par-  
7 ticipating in the international supply chain from  
8 every intermodal transfer point to the National  
9 Targeting Center of the Department; and

10 “(D) otherwise further maritime and cargo  
11 security, as determined by the Secretary.

12 “(2) SUPPLY CHAIN SECURITY FOR SPECIAL  
13 CONTAINER AND NONCONTAINERIZED CARGO.—The  
14 Secretary shall consider demonstration projects that  
15 further the security of the international supply chain  
16 for special container cargo, including refrigerated  
17 containers, and noncontainerized cargo, including  
18 roll-on/roll-off, break-bulk, liquid, and dry bulk  
19 cargo.

20 “(3) ANNUAL REPORT.—Not later than March  
21 1 of each year, the Secretary shall submit a report  
22 detailing the results of Operation Safe Commerce  
23 to—

24 “(A) the Committee on Commerce,  
25 Science, and Transportation of the Senate;

1                   “(B) the Committee on Homeland Security  
2                   and Government Affairs of the Senate;

3                   “(C) the Committee on Homeland Security  
4                   of the House of Representatives;

5                   “(D) the Committee on Appropriations of  
6                   the Senate; and

7                   “(E) the Committee on Appropriations of  
8                   the House of Representatives.”.

9   **SEC. 3108. PORT SECURITY TRAINING PROGRAM.**

10           (a) IN GENERAL.—The Secretary, acting through the  
11 Assistant Secretary for Grants and Training and in co-  
12 ordination with components of the Department with mari-  
13 time security expertise, including the Coast Guard, the  
14 Transportation Security Administration, and United  
15 States Customs and Border Protection, shall establish a  
16 Port Security Training Program (in this section referred  
17 to as the “Program”) for the purpose of enhancing the  
18 capabilities of each commercial seaports in the United  
19 States to prevent, prepare for, respond to, mitigate  
20 against, and recover from threatened or actual acts of ter-  
21 rorism, natural disasters, and other emergencies.

22           (b) REQUIREMENTS.—The Program shall provide  
23 validated training that—

24                   (1) reaches multiple disciplines, including Fed-  
25                   eral, State, and local government officials, commer-



1           cial seaport personnel and management, and govern-  
2           mental and nongovernmental emergency response  
3           providers;

4           (2) provides training at the awareness, perform-  
5           ance, and management and planning levels;

6           (3) utilizes multiple training mediums and  
7           methods, including—

8                   (A) direct delivery;

9                   (B) train-the-trainer;

10                  (C) computer-based training;

11                  (D) web-based training; and

12                  (E) video teleconferencing;

13           (4) addresses port security topics, including—

14                   (A) seaport security plans and procedures,  
15           including how security plans and procedures are  
16           adjusted when threat levels increase;

17                   (B) seaport security force operations and  
18           management;

19                   (C) physical security and access control at  
20           seaports;

21                   (D) methods of security for preventing and  
22           countering cargo theft;

23                   (E) container security;

24                   (F) recognition and detection of weapons,  
25           dangerous substances, and devices;

1 (G) operation and maintenance of security  
2 equipment and systems;

3 (H) security threats and patterns;

4 (I) security incident procedures, including  
5 procedures for communicating with govern-  
6 mental and nongovernmental emergency re-  
7 sponse providers; and

8 (J) evacuation procedures;

9 (5) is consistent with, and supports implemen-  
10 tation of, the National Incident Management Sys-  
11 tem, the National Response Plan, the National In-  
12 frastructure Protection Plan, the National Prepared-  
13 ness Guidance, the National Preparedness Goal, the  
14 National Maritime Transportation Security Plan and  
15 other such national initiatives;

16 (6) is evaluated against clear and consistent  
17 performance measures;

18 (7) addresses security requirements under facil-  
19 ity security plans; and

20 (8) educates, trains, and involves populations of  
21 at-risk neighborhoods around ports, including train-  
22 ing on an annual basis for neighborhoods to learn  
23 what to be watchful for in order to be a “citizen  
24 corps”, if necessary.

1 (c) NATIONAL VOLUNTARY CONSENSUS STAND-  
2 ARDS.—The Secretary shall—

3 (1) support the development, promulgation, and  
4 regular updating as necessary of national voluntary  
5 consensus standards for port security training; and

6 (2) ensure that the training provided under this  
7 section is consistent with such standards.

8 (d) TRAINING PARTNERS.—In developing and deliv-  
9 ering training under the Program, the Secretary shall—

10 (1) work with government training facilities,  
11 academic institutions, private organizations, em-  
12 ployee organizations, and other entities that provide  
13 specialized, state-of-the-art training for govern-  
14 mental and nongovernmental emergency responder  
15 providers or commercial seaport personnel and man-  
16 agement; and

17 (2) utilize, as appropriate, training courses pro-  
18 vided by community colleges, public safety acad-  
19 emies, State and private universities, and other fa-  
20 cilities.

21 (e) CONSULTATION.—The Secretary shall ensure  
22 that, in carrying out the Program, the Office of Grants  
23 and Training consults with commercial seaport personnel  
24 and management.

1 (f) **COMMERCIAL SEAPORT PERSONNEL DEFINED.**—

2 For purposes of this section, the term “commercial sea-  
3 port personnel” means any person engaged in an activity  
4 relating to the loading or unloading of cargo, the move-  
5 ment or tracking of cargo, the maintenance and repair of  
6 intermodal equipment, the operation of cargo-related  
7 equipment (whether or not integral to the vessel), and the  
8 handling of mooring lines on the dock when a vessel is  
9 made fast or let go, in the United States or the coastal  
10 waters thereof.

11 **SEC. 3109. PORT SECURITY EXERCISE PROGRAM.**

12 (a) **IN GENERAL.**—The Secretary shall establish a  
13 Port Security Exercise Program (in this section referred  
14 to as the “Program”) for the purpose of testing and evalu-  
15 ating the capabilities of Federal, State, local, and foreign  
16 governments, commercial seaport personnel and manage-  
17 ment, governmental and nongovernmental emergency re-  
18 sponse providers, the private sector, or any other organiza-  
19 tion or entity, as the Secretary determines to be appro-  
20 priate, to prevent, prepare for, mitigate against, respond  
21 to, and recover from acts of terrorism, natural disasters,  
22 and other emergencies at commercial seaports.

23 (b) **REQUIREMENTS.**—The Secretary, acting through  
24 the Assistant Secretary for Grants and Training and in  
25 coordination with components of the Department with

1 maritime security expertise, including the Coast Guard,  
2 the Transportation Security Administration, and United  
3 States Customs and Border Protection, shall ensure that  
4 the Program—

5 (1) consolidates all existing port security exer-  
6 cise programs administered by the Department;

7 (2) conducts, on a periodic basis, port security  
8 exercises at commercial seaports that are—

9 (A) scaled and tailored to the needs of  
10 each port;

11 (B) live in the case of the most at-risk  
12 ports;

13 (C) as realistic as practicable and based on  
14 current risk assessments, including credible  
15 threats, vulnerabilities, and consequences;

16 (D) consistent with the National Incident  
17 Management System, the National Response  
18 Plan, the National Infrastructure Protection  
19 Plan, the National Preparedness Guidance, the  
20 National Preparedness Goal, the National Mari-  
21 time Transportation Security Plan and other  
22 such national initiatives;

23 (E) evaluated against clear and consistent  
24 performance measures;

1 (F) assessed to learn best practices, which  
2 shall be shared with appropriate Federal, State,  
3 and local officials, seaport personnel and man-  
4 agement; governmental and nongovernmental  
5 emergency response providers, and the private  
6 sector; and

7 (G) followed by remedial action in response  
8 to lessons learned; and

9 (3) assists State and local governments and  
10 commercial seaports in designing, implementing, and  
11 evaluating exercises that—

12 (A) conform to the requirements of para-  
13 graph (2); and

14 (B) are consistent with any applicable Area  
15 Maritime Transportation Security Plan and  
16 State or Urban Area Homeland Security Plan.

17 (c) REMEDIAL ACTION MANAGEMENT SYSTEM.—The  
18 Secretary, acting through the Assistant Secretary for  
19 Grants and Training, shall establish a Remedial Action  
20 Management System to—

21 (1) identify and analyze each port security exer-  
22 cise for lessons learned and best practices;

23 (2) disseminate lessons learned and best prac-  
24 tices to participants in the Program;

1           (3) monitor the implementation of lessons  
2           learned and best practices by participants in the  
3           Program; and

4           (4) conduct remedial action tracking and long-  
5           term trend analysis.

6           (d) GRANT PROGRAM FACTOR.—In evaluating and  
7           prioritizing applications for the port security grant pro-  
8           gram under section 70107 of title 46, United States Code,  
9           the Secretary shall give additional consideration to those  
10          applicants that have conducted port security exercises  
11          under this section.

12          (e) CONSULTATION.—The Secretary shall ensure  
13          that, in carrying out the Program, the Office of Grants  
14          and Training consults with—

15                (1) governmental and nongovernmental emer-  
16                gency response providers; and

17                (2) commercial seaport personnel and manage-  
18                ment.

19          (f) COMMERCIAL SEAPORT PERSONNEL DEFINED.—  
20          For purposes of this section, the term “commercial sea-  
21          port personnel” means any person engaged in an activity  
22          relating to the loading or unloading of cargo, the move-  
23          ment or tracking of cargo, the maintenance and repair of  
24          intermodal equipment, the operation of cargo-related  
25          equipment (whether or not integral to the vessel), and the

1 handling of mooring lines on the dock when a vessel is  
2 made fast or let go, in the United States or the coastal  
3 waters thereof.

4 **SEC. 3110. INSPECTION OF CAR FERRIES ENTERING FROM**  
5 **CANADA.**

6 Not later than 120 days after the date of the enact-  
7 ment of this Act, the Secretary of Homeland Security, act-  
8 ing through the Commissioner of Customs, in coordination  
9 with the Secretary of State, and their Canadian counter-  
10 parts, shall develop a plan for the inspection of passengers  
11 and vehicles before such passengers board, or such vehicles  
12 are loaded onto, a ferry bound for a United States port.

13 **SEC. 3111. DEADLINE FOR TRANSPORTATION WORKER**  
14 **IDENTIFICATION CREDENTIAL SECURITY**  
15 **CARDS.**

16 Section 70105(a) of title 46, United States Code, is  
17 amended by adding at the end the following:

18 “(3) The Secretary shall—

19 “(A) promulgate a final rule to implement this  
20 section not later than January 1, 2007;

21 “(B) conduct a complete review of the biometric  
22 card readers not later than 90 days after the pro-  
23 mulgation of such rule; and

24 “(C) implement this section not later than July  
25 1, 2007.”.



1 **SEC. 3112. PORT SECURITY USER FEE STUDY.**

2 The Secretary of Homeland Security, in consultation  
3 with the Secretary of the Treasury and the United States  
4 Trade Representative, shall conduct a study of the need  
5 for, and feasibility of, establishing a system of oceanborne  
6 and port-related intermodal transportation user fees that  
7 could be imposed and collected as a dedicated revenue  
8 source, on a temporary or continuing basis, to provide nec-  
9 essary funding for the improvement and maintenance of  
10 enhanced port security. Not later than 1 year after date  
11 of the enactment of this Act, the Secretary shall submit  
12 a report to the appropriate congressional committees  
13 that—

14 (1) contains the Secretary's findings, conclu-  
15 sions, and recommendations (including legislative  
16 recommendations if appropriate) regarding imple-  
17 mentation of user fees;

18 (2) includes an assessment of the annual  
19 amount of customs fees and duties collected through  
20 oceanborne and port-related transportation and the  
21 amount and percentage of such fees and duties that  
22 are dedicated to improving and maintaining security;

23 (3) includes an assessment of the impact of the  
24 fees, charges, and standards on the competitiveness  
25 of United States ports and port terminal operators;  
26 and



1 program to evaluate and improve the security of empty  
2 containers at United States seaports to ensure the safe  
3 and secure delivery of cargo and to prevent potential acts  
4 of terrorism involving such containers. The pilot program  
5 shall include the use of visual searches of empty containers  
6 at United States seaports.

7 (b) REPORT.—Not later than 90 days after the com-  
8 pletion of the pilot program under paragraph (1), the Sec-  
9 retary shall prepare and submit to the appropriate con-  
10 gressional committees a report that contains—

11 (1) the results of pilot program; and

12 (2) the determination of the Secretary whether  
13 or not to expand the pilot program.

14 **SEC. 3116. DOMESTIC RADIATION DETECTION AND IMAG-**  
15 **ING.**

16 (a) EXAMINING CONTAINERS.—Not later than De-  
17 cember 31, 2007, all containers entering the United States  
18 through the busiest 22 seaports of entry shall be examined  
19 for radiation.

20 (b) STRATEGY.—The Secretary shall develop a strat-  
21 egy for the deployment of radiation detection capabilities  
22 that includes—

23 (1) a risk-based prioritization of ports of entry  
24 at which radiation detection equipment will be de-  
25 ployed;

1           (2) a proposed time line of when radiation de-  
2           tection equipment will be deployed at each of the  
3           ports of entry identified under paragraph (1);

4           (3) the type of equipment to be used at each of  
5           the ports of entry identified under paragraph (1), in-  
6           cluding the joint deployment and utilization of radi-  
7           ation detection equipment and nonintrusive imaging  
8           equipment;

9           (4) standard operating procedures for exam-  
10          ining containers with such equipment, including sen-  
11          sor alarming, networking and communications and  
12          response protocols;

13          (5) operator training plans;

14          (6) the Department policy for the use of non-  
15          intrusive inspection equipment; and

16          (7) a classified annex that—

17                 (A) details plans for covert testing; and

18                 (B) outlines the risk-based prioritization of  
19          ports of entry used under paragraph (1).

20          (c) REPORT.—Not later than 90 days after the date  
21          of the enactment of this Act, the Secretary shall submit  
22          the strategy developed under subsection (b) to appropriate  
23          congressional committees.

24          (d) OTHER WMD THREATS.—Not later than 180  
25          days after the date of the enactment of this Act, the Sec-

1   retary shall submit a strategy for the deployment of equip-  
2   ment to detect chemical, biological, and other weapons at  
3   all ports of entry into the United States to appropriate  
4   congressional committees.

5       (e) IMPLEMENTATION.—Not later than 2 years after  
6   the date of the enactment of this Act, the Secretary shall  
7   fully implement the strategy developed under subsection  
8   (b).

9   **SEC. 3117. EVALUATION OF THE ENVIRONMENTAL HEALTH**  
10                           **AND SAFETY IMPACTS OF NONINTRUSIVE IN-**  
11                           **SPECTION TECHNOLOGY.**

12       (a) RADIATION SAFETY.—Not later than 90 days  
13   after the date of the enactment of this Act, the Director  
14   of the National Institutes of Health, in conjunction with  
15   the Director of the Domestic Nuclear Detection Office and  
16   the Commissioner of Customs, shall—

17           (1) conduct an evaluation of the health and  
18       safety impacts of non-intrusive inspection tech-  
19       nology; and

20           (2) identify appropriate operational protocols  
21       for the use of United States Customs and Border  
22       Protection non-intrusive inspection equipment.

23       (b) SUBMISSION TO CONGRESS.—The final evalua-  
24   tion conducted under subsection (a) shall be transmitted

1 to the appropriate congressional committees not later than  
2 180 days after the date of the enactment of this Act.

3 **SEC. 3118. AUTHORIZATION FOR CUSTOMS AND BORDER**  
4 **PROTECTION PERSONNEL.**

5 The Act of February 13, 1911 (36 Stat. 901, chapter  
6 46; 19 U.S.C. 267) is amended by inserting after section  
7 5 the following new section:

8 **“SEC. 5A. AUTHORIZATION FOR CUSTOMS AND BORDER**  
9 **PROTECTION PERSONNEL.**

10 “(a) IN GENERAL.—In addition to any monies here-  
11 after appropriated to the United States Customs and Bor-  
12 der Protection of the Department of Homeland Security,  
13 there are authorized to be appropriated for the purpose  
14 of increasing the number of Customs and Border Protec-  
15 tion personnel, to remain available until expended, the fol-  
16 lowing:

17 “(1) \$88,000,000 in fiscal year 2007.

18 “(2) \$176,000,000 in fiscal year 2008.

19 “(3) \$189,000,000 in fiscal year 2009.

20 “(b) ADDITIONAL PERSONNEL.—The additional per-  
21 sonnel authorized under subsection (a) shall include:

22 “(1) 1,000 additional Customs and Border Pro-  
23 tection Officers at United States ports of entry, of  
24 which the Commissioner of Customs shall assign—

1           “(A) at least 1 additional officer at each  
2           port of entry in the United States; and

3           “(B) the balance of the additional officers  
4           authorized by this subsection among ports of  
5           entry in the United States based upon the vol-  
6           ume of trade.

7           “(2) 100 nonsupervisory import specialists for  
8           the purpose of performing trade facilitation and en-  
9           forcement functions.

10          “(c) RESOURCE ALLOCATION MODEL.—Not later  
11 than 1 year after the date of the enactment of this Act,  
12 and every 2 years thereafter, the Commissioner of Cus-  
13 toms shall prepare and submit to the Committee on Fi-  
14 nance of the Senate and the Committee on Ways and  
15 Means of the House of Representatives a Resource Alloca-  
16 tion Model to determine the optimal staffing levels re-  
17 quired to carry out the commercial operations of the  
18 United States Customs and Border Protection, including  
19 inspection and cargo clearance and the revenue functions  
20 described in section 412(b)(2) of the Homeland Security  
21 Act of 2002 (6 U.S.C. 212(b)(2)). The model shall comply  
22 with the requirements of section 412(b)(1) of such Act  
23 and shall take into account previous staffing models and  
24 historic and projected trade volumes and trends. The Re-  
25 source Allocation Model shall apply both risk-based and

1 random sampling approaches for determining adequate  
2 staffing needs for priority trade functions, including—

3 “(1) performing revenue functions;

4 “(2) enforcing antidumping and countervailing  
5 laws;

6 “(3) protecting intellectual property rights;

7 “(4) enforcing provisions of law relating to tex-  
8 tiles;

9 “(5) conducting agricultural inspections; and

10 “(6) enforcing penalties.”.

11 **SEC. 3119. STRATEGIC PLAN.**

12 (a) IN GENERAL.—Not later than 180 days after the  
13 date of the enactment of this Act, the Secretary, in con-  
14 sultation with appropriate Federal, State, local, and tribal  
15 government agencies, public port authorities, and private  
16 sector stakeholders responsible for security matters that  
17 affect or relate to the movement of containers through the  
18 international supply chain, shall submit, to appropriate  
19 congressional committees, a comprehensive strategic plan  
20 to enhance international supply chain.

21 (b) CONTENT.—The strategic plan submitted under  
22 subsection (a) shall—

23 (1) clarify and delineate the roles, responsibil-  
24 ities, and authorities of Federal, State, local, and  
25 tribal government agencies and private sector stake-



1 holders that relate to the security of the movement  
2 of containers arriving in, departing from, or moving  
3 through seaports of the United States;

4 (2) provide measurable goals, including objec-  
5 tives, mechanisms, and a schedule, for furthering the  
6 security of commercial operations from point of ori-  
7 gin to point of destination;

8 (3) build on available resources and consider  
9 costs and benefits;

10 (4) identify mandatory, baseline security goals,  
11 and the minimum container security standards and  
12 procedures;

13 (5) include a process for sharing intelligence  
14 and information with private sector stakeholders to  
15 assist in their security efforts;

16 (6) identify a framework for prudent and meas-  
17 ured response in the event of a transportation secu-  
18 rity incident (as defined in section 70101 of title 46,  
19 United States Code,) in a United States seaport;

20 (7) provide a plan for the expeditious resump-  
21 tion of the flow of legitimate trade in accordance  
22 with the amendments made by section 3120 of this  
23 Act;

24 (8) focus on the secure movement of container-  
25 ized cargo;

1           (9) consider the linkages between supply chain  
2 security and security programs within other systems  
3 of movement, including travel security and terrorist  
4 financing programs;

5           (10) expand upon and relate to existing strate-  
6 gies and plans, including the National Strategy for  
7 Maritime Security and the National Maritime Trans-  
8 portation Security Plan; and

9           (11) ensure that supply chain security man-  
10 dates and voluntary programs, to the extent prac-  
11 ticable, provide even-handed treatment for affected  
12 parties of the same type, regardless of the size of the  
13 particular business.

14       (c) UPDATE.—Not less than 3 years after the stra-  
15 tegic plan is submitted under subsection (a), the Secretary  
16 shall submit an update of the strategic plan to appropriate  
17 congressional committees.

18       (d) CONSULTATIONS.—Consultations described in  
19 subsection (a) shall focus on—

20           (1) designing measurable goals, including objec-  
21 tives, mechanisms, and a schedule, for furthering the  
22 security of the international supply chain;

23           (2) identifying and addressing gaps in capabili-  
24 ties, responsibilities, resources, or authorities;

1           (3) identifying and streamlining unnecessary  
2 overlaps in capabilities, responsibilities, or authori-  
3 ties; and

4           (4) identifying and making recommendations  
5 regarding legislative, regulatory, and organizational  
6 changes necessary to improve coordination among  
7 the entities or to enhance the security of the inter-  
8 national supply chain.

9           (e) UTILIZATION OF ADVISORY COMMITTEES.—As  
10 part of the consultative process, the Secretary shall utilize  
11 the Homeland Security Advisory Committee, the National  
12 Maritime Security Advisory Committee, and the Commer-  
13 cial Operations Advisory Committee to review the draft  
14 strategic plan and any subsequent update to that plan.

15           (f) INTERNATIONAL STANDARDS AND PRACTICES.—  
16 In furtherance of the strategic plan, the Secretary is en-  
17 couraged to consider proposed or established standards  
18 and practices of foreign governments and international or-  
19 ganizations, including, as appropriate, the International  
20 Maritime Organization, the World Customs Organization,  
21 the International Labor Organization, and the Inter-  
22 national Organization for Standardization to establish  
23 standards and best practices for the security of containers  
24 moving through the international supply chain.

1 **SEC. 3120. RESUMPTION OF TRADE.**

2 (a) Section 70103(a)(2)(J) of title 46, United States  
3 Code, is amended by inserting after the end period: “The  
4 plan shall provide, to the extent practicable, preference in  
5 the reestablishment of the flow of cargo through United  
6 States ports after a transportation security incident to—

7 “(i) vessels that have a vessel security  
8 plan approved under subsection (c) or ves-  
9 sels that have a valid international ship se-  
10 curity certificate; and

11 “(ii) vessels manned by individuals  
12 who are described in section  
13 70105(b)(2)(B) and who have undergone a  
14 background records check under section  
15 70105(d) or who hold transportation secu-  
16 rity cards issued under section 70105.”.

17 (b) Title III of the Tariff Act of 1930 is amended  
18 by inserting after section 318 the following new section:

19 **“SEC. 318A. TRADE RESUMPTION PLAN.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) INSPECTION.—The term ‘inspection’  
22 means the comprehensive process used by the per-  
23 sonnel of the United States Customs and Border  
24 Protection to assess goods entering the United  
25 States for duty purposes, to detect the presence of  
26 restricted or prohibited items, or to ensure compli-

1           ance with applicable laws. The process may include  
2           screening, conducting an examination, or conducting  
3           a search.

4           “(2) TARGETING.—The term ‘targeting’ means  
5           the process used by the personnel of the United  
6           States Customs and Border Protection to determine  
7           the risk of security or trade violations associated  
8           with cargo bound for the United States.

9           “(3) TRANSPORTATION DISRUPTION.—The  
10          term ‘transportation disruption’ means any signifi-  
11          cant delay, interruption, or stoppage in the flow of  
12          international trade caused by a natural disaster,  
13          labor dispute, heightened threat level, an act of ter-  
14          rorism, or any transportation security incident de-  
15          fined in section 1572.3 of title 49, Code of Federal  
16          Regulations.

17          “(b) TRADE RESUMPTION PLAN.—Not later than 1  
18          year after the date of the enactment of this Act, the Com-  
19          missioner of Customs shall develop a Trade Resumption  
20          Plan to provide for the resumption of trade in the event  
21          of a transportation disruption. The Plan shall include—

22                 “(1) a program to redeploy resources and per-  
23                 sonnel, as necessary, to reestablish the flow of inter-  
24                 national trade in the event of a transportation dis-  
25                 ruption;

1           “(2) a training program to periodically instruct  
2 personnel of the United States Customs and Border  
3 Protection in trade resumption functions in the  
4 event of a transportation disruption;

5           “(3) a plan to revise cargo targeting and in-  
6 spection protocols to meet the security and trade fa-  
7 cilitation needs of the United States following a  
8 transportation disruption, including, to the extent  
9 practicable, giving priority to—

10           “(A) cargo originating from a designated  
11 port described in section 629(j);

12           “(B) cargo that has been handled, stored,  
13 shipped, and imported by, or otherwise proc-  
14 essed by, a tier 3 participant in the Customs-  
15 Trade Partnership Against Terrorism (C-  
16 TPAT);

17           “(C) cargo that has undergone nuclear or  
18 radiological detection scan, x-ray or density  
19 scan, and optical character recognition scan, at  
20 the last port of departure prior to arrival in the  
21 United States;

22           “(D) cargo transported in containers with  
23 tamper-proof seals;

24           “(E) perishable cargo; and

1           “(F) any other cargo the Commissioner  
2           considers appropriate;

3           “(4) a plan to communicate any revised proce-  
4           dures or instructions to the private sector following  
5           a transportation disruption; and

6           “(5) a plan to coordinate trade facilitation ef-  
7           forts among affected ports of entry following a  
8           transportation disruption.

9           “(c) CONSULTATIONS.—

10           “(1) IN GENERAL.—The Commissioner of Cus-  
11           toms shall consult with appropriate government  
12           agencies, port authorities, terminal operators, and  
13           the Customs Commercial Operations Advisory Com-  
14           mittee (COAC) in the development of the Trade Re-  
15           sumption Plan.

16           “(2) PUBLIC COMMENT.—The Commissioner of  
17           Customs shall afford port authorities, terminal oper-  
18           ators, and the COAC 60 days in which to comment  
19           on a draft Trade Resumption Plan before finalizing  
20           such plan.

21           “(d) EXERCISES.—The Commissioner of Customs  
22           shall coordinate annual exercises with appropriate Fed-  
23           eral, State, and local agencies, port authorities, terminal  
24           operators, and tier 3 participants in the C-TPAT to prac-  
25           tice and prepare for implementation of the Trade Resump-

1 tion Plan. Such exercises shall be coordinated with the  
2 Coast Guard's area maritime security plan exercises.

3       “(e) **REPORT AND CONSULTATION.**—Not later than  
4 180 days after the date that the annual exercises described  
5 in subsection (d) are completed, the Commissioner of Cus-  
6 toms shall submit a report to the Committee on Finance  
7 of the Senate and the Committee on Ways and Means of  
8 the House of Representatives on the status of the Trade  
9 Resumption Plan required by subsection (b) and the result  
10 of exercises required by subsection (d), and shall consult  
11 with the committees regarding any proposals to revise the  
12 Plan.”.

13 **SEC. 3121. AUTOMATED TARGETING SYSTEM.**

14       Title III of the Tariff Act of 1930, as added by sec-  
15 tion 3120 of this Act, is amended by inserting after sec-  
16 tion 318A the following:

17 **“SEC. 318B. AUTOMATED TARGETING SYSTEM.**

18       “(a) **IN GENERAL.**—The Secretary of Homeland Se-  
19 curity, acting through the Commissioner of Customs, shall  
20 develop and maintain an antiterrorism cargo identification  
21 and screening system for containerized cargo shipped to  
22 the United States either directly or via a foreign port to  
23 assess imports and target those imports that pose a high  
24 risk of containing contraband.



1           “(b) 24-HOUR ADVANCE NOTIFICATION.—In order  
2 to provide the best possible data for the Automated Tar-  
3 geting System, the Commissioner shall require importers  
4 shipping goods to the United States via cargo container  
5 to supply advanced trade data or a subset thereof not later  
6 than 24 hours before loading a container under the ad-  
7 vance notification requirements under section 484(a)(2).  
8 The requirement shall apply to goods entered on or after  
9 July 1, 2007.

10           “(c) NEW OR EXPANDED INFORMATION SUBMIS-  
11 SIONS.—

12           “(1) IN GENERAL.—Any additional information  
13 submissions allowable within the Commissioner’s ex-  
14 isting authority or submitted voluntarily by supply  
15 chain participants shall be transmitted in a secure  
16 fashion, as determined by the Commissioner and in  
17 accordance with this subsection, to protect the infor-  
18 mation from unauthorized access.

19           “(2) CONFIDENTIALITY OF INFORMATION.—In-  
20 formation that is required of, or voluntarily sub-  
21 mitted by, supply chain participants to the United  
22 States Customs and Border Protection for purposes  
23 of this section—

24           “(A) shall be exempt from disclosure under  
25 section 552 of title 5, United States Code (com-

1           monly referred to as the Freedom of Informa-  
2           tion Act);

3           “(B) shall not, without the written consent  
4           of the person or entity submitting such infor-  
5           mation, be used directly by the Department or  
6           a third party, in any civil action arising under  
7           Federal or State law if such information is sub-  
8           mitted in good faith; and

9           “(C) shall not, without the written consent  
10          of the person or entity submitting such infor-  
11          mation, be used or disclosed by any officer or  
12          employee of the United States for purposes  
13          other than the purposes of this section, ex-  
14          cept—

15                 “(i) in furtherance of an investigation  
16                 or other prosecution of a criminal act; or

17                 “(ii) when disclosure of the informa-  
18                 tion would be—

19                         “(I) to either House of Congress,  
20                         or to the extent of matter within its  
21                         jurisdiction, any committee or sub-  
22                         committee thereof, any joint com-  
23                         mittee thereof or subcommittee of any  
24                         such joint committee; or

1                   “(II) to the Comptroller General,  
2                   or any authorized representative of  
3                   the Comptroller General, in the course  
4                   of the performance of the duties of  
5                   the Comptroller General.

6                   “(3) INDEPENDENTLY OBTAINED INFORMA-  
7                   TION.—Nothing in this subsection shall be construed  
8                   to limit or otherwise affect the ability of a Federal,  
9                   State, or local, government entity, under applicable  
10                  law, to obtain supply chain security information, in-  
11                  cluding any information lawfully and properly dis-  
12                  closed generally or broadly to the public and to use  
13                  such information in any manner permitted by law.

14                  “(4) PENALTIES.—Any person who is an officer  
15                  or employee of the United States and knowingly  
16                  publishes, divulges, discloses, or makes known in any  
17                  manner or to any extent not authorized by law, any  
18                  supply chain security information protected in this  
19                  section from disclosure, shall be—

20                         “(A) fined under title 18, United States  
21                         Code, imprisoned not more than 1 year, or  
22                         both; and

23                         “(B) removed from office or employment.

24                         “(5) AUTHORITY TO ISSUE WARNINGS.—The  
25                         Secretary may provide advisories, alerts, and warn-

1        ings to relevant companies, targeted sectors, other  
2        governmental entities, or the general public regard-  
3        ing potential risks to the supply chain as appro-  
4        priate. In issuing a warning under this paragraph,  
5        the Secretary shall take appropriate actions to pro-  
6        tect from disclosure—

7               “(A) the source of any voluntarily sub-  
8               mitted supply chain security information that  
9               forms the basis for the warning; and

10               “(B) information that is proprietary, busi-  
11               ness sensitive, relates specifically to the submit-  
12               ting person or entity, or is otherwise not appro-  
13               priately in the public domain.

14               “(6) SYSTEM IMPROVEMENTS.—The Automated  
15        Targeting System used by the United States Cus-  
16        toms and Border Protection to identify cargo for in-  
17        creased inspection prior to the clearance of such  
18        cargo into the United States shall include a compo-  
19        nent to permit—

20               “(A) the electronic comparison of similar  
21               manifest and available entry data for cargo en-  
22               tered into or bound for the United States, in  
23               order to efficiently identify cargo for increased  
24               inspection or expeditious release following a  
25               transportation disruption; and

1           “(B) the electronic isolation of select data  
2           elements relating to cargo entered into or  
3           bound for the United States, in order to effi-  
4           ciently identify cargo for increased inspection or  
5           expeditious release following a transportation  
6           disruption.

7           “(d) AUTHORIZATION OF APPROPRIATIONS.—

8           “(1) IN GENERAL.—There are authorized to be  
9           appropriated to the Secretary of Homeland Security  
10          to carry out the Automated Targeting System to  
11          identify high-risk oceanborne container cargo for in-  
12          spection—

13                   “(A) \$30,700,000 for fiscal year 2007;

14                   “(B) \$33,200,000 for fiscal year 2008; and

15                   “(C) \$35,700,000 for fiscal year 2009.

16          “(2) SUPPLEMENT.—The amounts authorized  
17          by this subsection shall be in addition to any other  
18          amounts authorized to be appropriated to carry out  
19          that the Automated Targeting System.”.

20   **SEC. 3122. CONTAINER SECURITY INITIATIVE.**

21          (a) AUTHORIZATION.—The Secretary, acting through  
22          the Commissioner of Customs, is authorized to establish  
23          and implement a program (to be known as the “Container  
24          Security Initiative” or “CSI”) to identify and examine  
25          maritime containers that pose a security risk at foreign

1 ports before the containers are shipped to the United  
2 States.

3 (b) ASSESSMENT.—Before the Secretary designates  
4 any foreign port under CSI, the Secretary, in coordination  
5 with other Federal officials, as appropriate, shall conduct  
6 an assessment of the port to evaluate the costs, benefits,  
7 and other factors associated with such designation, includ-  
8 ing—

9 (1) the level of risk for the potential com-  
10 promise of containers by terrorists or terrorist weap-  
11 ons;

12 (2) the smuggling of narcotics;

13 (3) large scale violations of united States trade  
14 laws, including intellectual property rights and tex-  
15 tile transshipment;

16 (4) the economic impact of cargo traveling from  
17 the foreign port to the United States in terms of  
18 trade value and volume;

19 (5) the results of the Coast Guard assessments  
20 conducted pursuant to section 70108 of title 46,  
21 United States Code;

22 (6) the capabilities and level of cooperation ex-  
23 pected of the government of the intended host coun-  
24 try;

1           (7) the willingness of the government of the in-  
2           tended host country to permit validation of security  
3           practices within the country in which the foreign  
4           port is located, for the purposes of C-TPAT or simi-  
5           lar programs; and

6           (8) the potential for C-TPAT cargo traveling  
7           through the foreign port.

8           (c) ANNUAL REPORT.—Not later than March 1 of  
9           each year in which the Secretary proposes to designate  
10          a foreign port under CSI, the Secretary shall submit a  
11          report, in classified or unclassified form, detailing the as-  
12          sessment of each foreign port the Secretary is considering  
13          designating under CSI, to appropriate congressional com-  
14          mittees.

15          (d) CURRENT CSI PORTS.—The report under sub-  
16          section (c) shall include an annual assessment justifying  
17          the continuance of each port designated under CSI as of  
18          the date of enactment of this Act.

19          (e) DESIGNATION OF NEW PORTS.—The Secretary  
20          shall not designate a foreign port under CSI unless the  
21          Secretary has completed the assessment required in sub-  
22          section (b) for that port and submitted a report under sub-  
23          section (c) that includes that port.

24          (f) NEGOTIATIONS.—The Secretary may request that  
25          the Secretary of State, in conjunction with the United

1 States Trade Representative, enter into trade negotiations  
2 with the government of each foreign country with a port  
3 designated under CSI, as appropriate, to ensure full com-  
4 pliance with the requirements under CSI.

5 (g) INSPECTIONS.—

6 (1) REQUIREMENTS AND PROCEDURES.—The  
7 Secretary shall—

8 (A) establish technical capability require-  
9 ments and standard operating procedures for  
10 the use of nonintrusive inspection and radiation  
11 detection equipment in conjunction with CSI;

12 (B) require that the equipment operated at  
13 each port designated under CSI be operated in  
14 accordance with the requirements and proce-  
15 dures established under subparagraph (A); and

16 (C) continually monitor the technologies,  
17 processes, and techniques used to inspect cargo  
18 at ports designated under CSI.

19 (2) CONSIDERATIONS.—

20 (A) CONSISTENCY OF STANDARDS AND  
21 PROCEDURES.—In establishing the technical ca-  
22 pability requirements and standard operating  
23 procedures under paragraph (1)(A), the Sec-  
24 retary shall take into account any such relevant  
25 standards and procedures utilized by other Fed-



1           eral departments or agencies as well as those  
2           developed by international bodies.

3           (B) APPLICABILITY.—The technical capa-  
4           bility requirements and standard operating pro-  
5           cedures established pursuant to paragraph  
6           (1)(A) shall not apply to activities conducted  
7           under the Megaports Initiative of the Depart-  
8           ment of Energy.

9           (3) FOREIGN ASSISTANCE.—

10           (A) IN GENERAL.—The Secretary, in co-  
11           ordination with the Secretary of State, the Sec-  
12           retary of Energy, and other Federal agencies,  
13           shall identify foreign assistance programs that  
14           could facilitate the implementation of cargo se-  
15           curity antiterrorism measures at ports des-  
16           ignated under CSI and foreign ports not des-  
17           ignated under CSI that lack effective  
18           antiterrorism measures.

19           (B) ACQUISITION.—The Secretary may—

20           (i) lease, loan, provide, or otherwise  
21           assist in the deployment of non-intrusive  
22           inspection and handheld radiation detec-  
23           tion equipment at foreign seaports under  
24           such terms and conditions as the Secretary  
25           prescribes, including nonreimbursable loans

1 or the transfer of ownership of equipment;  
2 and

3 (ii) provide training and technical as-  
4 sistance for domestic or foreign personnel  
5 responsible for operating or maintaining  
6 such equipment.

7 (C) TRAINING.—The Secretary may pro-  
8 vide training on the use of inspection equip-  
9 ment, or other training that the Secretary de-  
10 termines to be appropriate to secure the inter-  
11 national supply chain, to foreign personnel at  
12 each port designated under CSI.

13 (h) PERSONNEL.—The Secretary shall—

14 (1) annually assess the personnel needs at each  
15 port designated under CSI; and

16 (2) deploy personnel in accordance with the as-  
17 sessment under paragraph (1).

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to the Secretary to carry  
20 out this section—

21 (1) \$142,000,000 for fiscal year 2007;

22 (2) \$144,000,000 for fiscal year 2008; and

23 (3) \$146,000,000 for fiscal year 2009.

1 **SEC. 3123. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**  
2 **RORISM VALIDATION PROGRAM.**

3 (a) ESTABLISHMENT.—

4 (1) ESTABLISHMENT.—The Secretary is au-  
5 thORIZED to establish a voluntary program (to be  
6 known as the “Customs-Trade Partnership Against  
7 Terrorism” or “C-TPAT”) to strengthen and im-  
8 prove the overall security of the international supply  
9 chain and United States border security.

10 (2) MINIMUM SECURITY REQUIREMENTS.—The  
11 Secretary shall review the minimum security require-  
12 ments of C-TPAT at least once every year and up-  
13 date such requirements as necessary.

14 (b) ELIGIBLE ENTITIES.—Importers, customs bro-  
15 kers, forwarders, air, sea, land carriers, contract logistics  
16 providers, and other entities in the international supply  
17 chain and intermodal transportation system are eligible to  
18 apply to voluntarily enter into partnerships with the De-  
19 partment under C-TPAT.

20 (c) MINIMUM REQUIREMENTS.—An applicant seek-  
21 ing to participate in C-TPAT shall—

22 (1) demonstrate a history of moving commerce  
23 in the international supply chain;

24 (2) conduct an assessment of its supply chains  
25 based upon security criteria established by the Sec-  
26 retary, including—

- 1 (A) business partner requirements;  
2 (B) container security;  
3 (C) physical security and access controls;  
4 (D) personnel security;  
5 (E) procedural security;  
6 (F) security training and threat awareness;

7 and

- 8 (G) information technology security;

9 (3) implement and maintain security measures  
10 and supply chain security practices meeting security  
11 criteria; and

12 (4) meet all other requirements established by  
13 the Secretary.

14 (d) TIER ONE PARTICIPANTS.—

15 (1) BENEFITS.—The Secretary may offer lim-  
16 ited benefits to C-TPAT participants whose security  
17 measures and supply chain security practices have  
18 been certified in accordance with the guidelines es-  
19 tablished pursuant to subsection (c).

20 (2) GUIDELINES.—The Secretary shall update  
21 guidelines for certifying a C-TPAT participant's se-  
22 curity measures and supply chain security practices  
23 under this section.

24 (e) TIER TWO PARTICIPANTS.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 a C-TPAT participant has been certified under sub-  
3 section (d), the Secretary shall validate the security  
4 measures and supply chain security practices of that  
5 participant. Such validation shall include assess-  
6 ments at appropriate foreign locations utilized by  
7 the participant as part of the supply chain.

8           (2) CONSEQUENCES FOR FAILED VALIDA-  
9 TION.—If a C-TPAT participant’s security measures  
10 and supply chain security practices fail to meet the  
11 validation requirements under this section, the Com-  
12 missioner of Customs may—

13                   (A) deny the participant benefits under C-  
14 TPAT on a temporary or permanent basis; or

15                   (B) suspend or expel the participant from  
16 C-TPAT.

17           (3) RIGHT OF APPEAL.—A C-TPAT participant  
18 described in this subsection may file an appeal with  
19 the Secretary of the Commissioner’s decision under  
20 paragraph (2) to deny benefits under C-TPAT or  
21 under paragraph (2) to suspend or expel the partici-  
22 pant from C-TPAT.

23           (4) BENEFITS.—The Secretary shall extend  
24 benefits to each C-TPAT participant that has been  
25 validated under this section, which may include—

- 1 (A) reduced examinations; and  
2 (B) priority processing for searches.

3 (f) TIER THREE PARTICIPANTS.—

4 (1) IN GENERAL.—The Secretary shall establish  
5 a third tier of C-TPAT that offers additional bene-  
6 fits to C-TPAT participants that demonstrate a sus-  
7 tained commitment beyond the minimum criteria for  
8 participation in C-TPAT.

9 (2) ADDITIONAL CRITERIA.—The Secretary  
10 shall designate criteria for C-TPAT participants  
11 under this section that may include criteria to en-  
12 sure—

13 (A) cargo is loaded on a vessel with a ves-  
14 sel security plan approved under section  
15 70103(c) of title 46, United States Code, or on  
16 a vessel with a valid International Ship Security  
17 Certificate as provided for under part 104 of  
18 title 33, Code of Federal Regulations;

19 (B) container security devices, policies, or  
20 practices that exceed the standards and proce-  
21 dures established by the Secretary are utilized;  
22 and

23 (C) cargo complies with any other require-  
24 ments determined by the Secretary.

1           (3) BENEFITS.—The Secretary, in consultation  
2 with the Commercial Operations Advisory Com-  
3 mittee (COAC) and the National Maritime Security  
4 Advisory Committee, may provide benefits to C-  
5 TPAT participants under this section, which may in-  
6 clude—

7           (A) the expedited release of tier three  
8 cargo into destination ports within the United  
9 States during all threat levels designated by the  
10 Secretary;

11           (B) preference to vessels;

12           (C) further reduced examinations;

13           (D) priority processing for examinations;  
14 and,

15           (E) further reduced scores in the Auto-  
16 mated Targeting System.

17           (4) DEFINITION.—In this section, the term  
18 “container security device” means a mechanical or  
19 electronic device designed to, at a minimum, posi-  
20 tively identify containers and detect and record un-  
21 authorized intrusion of containers. Such devices  
22 shall have false alarm rates that have been dem-  
23 onstrated to be below one percent.

24           (g) CONSEQUENCES FOR LACK OF COMPLIANCE.—

1           (1) IN GENERAL.—If a C-TPAT participant’s  
2 security measures and supply chain security prac-  
3 tices fail to meet any of the requirements under this  
4 title, the Commissioner may deny the participant  
5 benefits in whole or in part under this section.

6           (2) FALSE OR MISLEADING INFORMATION.—If  
7 a C-TPAT participant intentionally provides false or  
8 misleading information during the validation process  
9 of the participant under this section, the Commis-  
10 sioner of Customs shall suspend or expel the partici-  
11 pant from C-TPAT for a period of not less than 5  
12 years.

13           (3) RIGHT OF APPEAL.—A C-TPAT participant  
14 may file an appeal with the Secretary of the Com-  
15 missioner’s decision under this subsection to deny  
16 benefits or suspend or expel the participant from C-  
17 TPAT.

18           (h) REVALIDATION.—The Secretary shall establish a  
19 process for revalidating C-TPAT participants under this  
20 title. Such revalidation shall occur not less frequently than  
21 once during every 4-year period following the initial valida-  
22 tion.

23           (i) NON-CONTAINERIZED CARGO.—The Secretary  
24 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 represen-  
20 tative 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       **TITLE XXXIII—MASS TRANSIT**  
2                                   **SECURITY**

3   **SEC. 3301. SHORT TITLE.**

4       This title may be cited as the “Public Transportation  
5   Terrorism Prevention Act of 2006”.

6   **SEC. 3302. FINDINGS.**

7       Congress finds that—

8           (1) public transportation systems throughout  
9       the world have been a primary target of terrorist at-  
10      tacks, causing countless death and injuries;

11          (2) 5,800 public transportation agencies operate  
12      in the United States;

13          (3) 14,000,000 people in the United States ride  
14      public transportation each work day;

15          (4) safe and secure public transportation sys-  
16      tems are essential for the Nation’s economy and for  
17      significant national and international public events;

18          (5) the Federal Transit Administration has in-  
19      vested \$74,900,000,000 since 1992 for construction  
20      and improvements to the Nation’s public transpor-  
21      tation systems;

22          (6) the Federal Government appropriately in-  
23      vested \$18,100,000,000 in fiscal years 2002 through  
24      2005 to protect our Nation’s aviation system and its  
25      1,800,000 daily passengers;



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 DEMONSTRA-**  
8 **TION GRANTS.**

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.