

109TH CONGRESS
2^D SESSION

S. 3456

To ensure the implementation of the recommendations of the National
Commission on Terrorist Attacks Upon the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2006

Mr. MENENDEZ introduced the following bill; which was read twice and
referred to the Committee on Foreign Relations

A BILL

To ensure the implementation of the recommendations of
the National Commission on Terrorist Attacks Upon the
United States.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Ensuring Implementation of the 9/11 Commission Re-
6 port Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition; 9/11 Commission.

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS
AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

- Sec. 101. Adequate radio spectrum for first responders.
- Sec. 102. Report on establishing a unified incident command system.
- Sec. 103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
- Sec. 104. Private sector preparedness.
- Sec. 105. Relevant congressional committees defined.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

- Sec. 111. Short title.
- Sec. 112. Findings.
- Sec. 113. Faster and Smarter Funding for First Responders.
- Sec. 114. Superseded provision.
- Sec. 115. Oversight.
- Sec. 116. GAO report on an inventory and status of Homeland Security first responder training.
- Sec. 117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Subtitle B—Transportation Security

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

Subtitle C—Border Security

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

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. Definition of relevant congressional committees for subtitle.

Subtitle C—Homeland Security Committees

CHAPTER 1—HOMELAND SECURITY REFORM IN THE HOUSE OF REPRESENTATIVES

- Sec. 221. Committee on Homeland Security.
- Sec. 222. Committee on Intelligence.
- Sec. 223. Subcommittee limitation on Committee on Appropriations.
- Sec. 224. Membership on Committee on Appropriations.
- Sec. 225. Conforming amendments.

CHAPTER 2—HOMELAND SECURITY OVERSIGHT REFORM IN THE SENATE

SUBCHAPTER A—HOMELAND SECURITY

- Sec. 231. Homeland Security.

SUBCHAPTER B—INTELLIGENCE OVERSIGHT REFORM

- Sec. 241. Intelligence oversight.

SUBCHAPTER C—COMMITTEE STATUS

- Sec. 251. Committee status.

SUBCHAPTER D—INTELLIGENCE-RELATED SUBCOMMITTEES

- Sec. 261. Subcommittee related to intelligence oversight.
- Sec. 262. Subcommittee related to intelligence appropriations.

CHAPTER 3—EFFECTIVE DATE

- Sec. 271. Effective date.

Subtitle D—Declassification of Overall Intelligence Budget

- Sec. 281. Availability to public of certain intelligence funding information.

Subtitle E—Standardize Security Clearances

- Sec. 282. Standardization of security clearances.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND NONPROLIFERATION

Subtitle A—Foreign Policy

- Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
- Sec. 302. Actions to support Pakistan against extremists.

- Sec. 303. Actions to support reform in Saudi Arabia.
- Sec. 304. Elimination of terrorist sanctuaries.
- Sec. 305. Comprehensive coalition strategy against Islamist terrorism.
- Sec. 306. Standards for the detention and humane treatment of captured terrorists.
- 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.

1 **SEC. 2. DEFINITION; 9/11 COMMISSION.**

- 2 In this Act, the term “9/11 Commission” means the
- 3 National Commission on Terrorist Attacks Upon the
- 4 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 the Congress by not later than 90 days after
20 the 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 congress-
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 2005”.

18 **SEC. 112. FINDINGS.**

19 The Congress finds the following:

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.”.

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

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

7 “(F) a capital budget showing how the ap-
8 plicant intends to allocate and expend the cov-
9 ered grant funds;

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

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

16 “(5) REGIONAL APPLICATIONS.—

17 “(A) RELATIONSHIP TO STATE APPLICA-
18 TIONS.—A regional application—

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

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

24 “(iii) shall address the unique regional
25 aspects of such region’s terrorism pre-

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: *Provided*,
7 That in no such case shall the State or States
8 pass through to the region less than 80 percent
9 of 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 region 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 “(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 SECUR-
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 DISTRIBU-
25 TION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—

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 enactment of this section, support the
24 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 the Congress in accordance
6 with 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 to be implemented and such policy
9 goals 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.—For
7 purposes of this section, the term “relevant congressional
8 committees” means the 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.—For
19 purposes of this section, the term “relevant congressional
20 committees” means the 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.—For
21 purposes of this section, the term “relevant congressional
22 committees” means the 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.—For
14 purposes of this section, the term “relevant congressional
15 committees” means the 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.—For
2 purposes of this section, the term “relevant congressional
3 committees” means the 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.—For
8 purposes of this section, the term “relevant congressional
9 committees” means the 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **CENTER.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) REPORT; CERTIFICATION.—Not later than 30
6 days after the date of the enactment of this Act, and every
7 30 days thereafter, the Director of the Office of Manage-
8 ment and Budget, in consultation with the Director of Na-
9 tional Intelligence, shall submit to the relevant congress-
10 sional committees a report on the recommendations of the
11 9/11 Commission and the policy goals of the Intelligence
12 Reform and Terrorism Prevention Act of 2004 (Public
13 Law 108–458) with respect to the creation of incentives
14 for information sharing across the Federal Government
15 and with State and local authorities. Such report shall in-
16 clude—

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

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

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

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

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

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

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

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

4 (a) REPORT; CERTIFICATION.—Not later than 30
5 days after the date of the enactment of this Act, and every
6 30 days thereafter, the Director of the Office of Manage-
7 ment and Budget, in consultation with the Director of Na-
8 tional Intelligence, shall submit to the relevant congres-
9 sional committees a report on the recommendations of the
10 9/11 Commission and the policy goals of the Intelligence
11 Reform and Terrorism Prevention Act of 2004 (Public
12 Law 108–458) with respect to the leadership of the Presi-
13 dent of national security institutions into the information
14 revolution. Such report shall include—

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

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

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

24 (B) when the Director of the Office of
25 Management and Budget expects such rec-

1 ommendations to be implemented and such pol-
2 icy goals to be achieved; and

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

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

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

20 (d) GAO REPORT ON INFORMATION SYSTEMS.—

21 (1) ANNUAL REPORT.—Not later than 90 days
22 after the date of the enactment of this Act, and an-
23 nually thereafter, the Comptroller General shall sub-
24 mit to the relevant congressional committees a re-
25 port on whether the intelligence community has the

1 resources and Presidential support to change infor-
2 mation systems to enable information sharing, poli-
3 cies and procedures that compel sharing, and sys-
4 tems of performance evaluation to inform personnel
5 on how well they carry out information sharing.

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

16 **SEC. 207. HOMELAND AIRSPACE DEFENSE.**

17 (a) **CERTIFICATION.**—Not later than 30 days after
18 the date of the enactment of this Act, and every 30 days
19 thereafter, the Secretary of Homeland Security and the
20 Secretary of Defense shall each submit to the specified
21 congressional committees a certification as to whether the
22 Federal Government has implemented the policy goals of
23 the Intelligence Reform and Terrorism Prevention Act of
24 2004 (Public Law 108–458) and the recommendations of
25 the National Commission on Terrorist Attacks Upon the

1 United States regarding homeland and airspace defense.
2 Each Secretary shall include with such certification rec-
3 ommendations if further congressional action is necessary.
4 If a Secretary is unable to certify the goal in the first
5 sentence, the Secretary shall report to the specified com-
6 mittees what steps have been taken towards implementa-
7 tion, when implementation can reasonably be expected to
8 be completed, and whether additional resources or actions
9 from the Congress are required for implementation.

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

18 (c) SPECIFIED CONGRESSIONAL COMMITTEES.—For
19 purposes of this section, the term “specified congressional
20 committees” means—

21 (1) the Committee on Homeland Security, the
22 Committee on Government Reform, and the Com-
23 mittee on Transportation and Infrastructure of the
24 House of Representatives; and

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

4 **SEC. 208. SEMIANNUAL REPORT ON PLANS AND STRATE-**
5 **gies OF UNITED STATES NORTHERN COM-**
6 **MAND FOR DEFENSE OF THE UNITED STATES**
7 **HOMELAND.**

8 (a) FINDINGS.—Consistent with the report of the Na-
9 tional Commission on Terrorist Attacks Upon the United
10 States, Congress makes the following findings:

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

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

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

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

1 ligence on the possibility that terrorists might
2 turn to hijacking and even the use of airplanes
3 as missiles within the United States.

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

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

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

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

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

1 atives a report describing the plans and strategies of the
2 United States Northern Command to defend the United
3 States against military and paramilitary threats within the
4 United States.

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

7 In this subtitle, the term “relevant congressional
8 committees” means the Committee on Homeland Security,
9 the Committee on Government Reform, and the Perma-
10 nent Select Committee on Intelligence of the House of
11 Representatives and the Committee on Homeland Security
12 and Government Affairs and the Select Committee on In-
13 telligence of the Senate.

14 **Subtitle B—Civil Liberties and**
15 **Executive Power**

16 **SEC. 211. REPORT ON THE BALANCE BETWEEN SECURITY**
17 **AND CIVIL LIBERTIES.**

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 Attorney General shall submit to
21 the relevant congressional committees a report on the rec-
22 ommendations of the 9/11 Commission and the policy
23 goals of the Intelligence Reform and Terrorism Prevention
24 Act of 2004 (Public Law 108–458) with respect to the

1 balance between security and civil liberties. Such report
2 shall include—

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

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

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

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

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

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

22 (c) GAO REVIEW OF CERTIFICATION.—If the Attor-
23 ney General submits a certification pursuant to subsection
24 (a)(1), not later than 30 days after the submission of such
25 certification, the Comptroller General shall submit to the

1 relevant congressional committees a report on whether the
2 recommendations described in subsection (a) have been
3 implemented and whether the policy goals described in
4 subsection (a) have been achieved.

5 **SEC. 212. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
6 **BOARD.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “9/11 Commission Civil Liberties Board Act”.

9 (b) **FINDINGS.**—Congress finds the following:

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

16 (2) One of the recommendations focused on the
17 protections of civil liberties. Specifically the following
18 recommendation was made: “At this time of in-
19 creased and consolidated government authority,
20 there should be a board within the executive branch
21 to oversee adherence to the guidelines we rec-
22 ommend and the commitment the government makes
23 to defend our civil liberties.”.

24 (3) The report also states that “the choice be-
25 tween security and liberty is a false choice, as noth-

1 ing is more likely to endanger America’s liberties
2 than the success of a terrorist attack at home. Our
3 History has shown that the insecurity threatens lib-
4 erty at home. Yet if our liberties are curtailed, we
5 lose the values that we are struggling to defend.”.

6 (4) On December 17, 2004, Public Law 108–
7 458, the National Intelligence Reform Act, was
8 signed into law. This law created a civil liberties
9 board that does not have the authority necessary to
10 protect civil liberties.

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

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

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

1 (c) MAKING THE PRIVACY AND CIVIL LIBERTIES
2 OVERSIGHT BOARD INDEPENDENT.—Section 1061(b) of
3 the Intelligence Reform and Terrorism Prevention Act of
4 2004 is amended by striking “within the Executive Office
5 of the President” and inserting “as an independent agency
6 within the Executive branch”.

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

12 “(e) MEMBERSHIP.—

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

17 “(2) QUALIFICATIONS.—Members of the Board
18 shall be selected solely on the basis of their profes-
19 sional qualifications, achievements, public stature,
20 expertise in civil liberties and privacy, and relevant
21 experience, and without regard to political affiliation,
22 but in no event shall more than 3 members of the
23 Board be members of the same political party. The
24 President shall, before appointing an individual who
25 is not a member of the same political party as the

1 President consult with the leadership of that party,
2 if any, in the Senate and House of Representatives.

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

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

10 “(A) a member appointed to a term of of-
11 fice after the commencement of such term may
12 serve under such appointment only for the re-
13 mainder of such term;

14 “(B) upon the expiration of the term of of-
15 fice of a member, the member shall continue to
16 serve until the member’s successor has been ap-
17 pointed and qualified, except that no member
18 may serve under this subparagraph—

19 “(i) for more than 60 days when Con-
20 gress is in session unless a nomination to
21 fill the vacancy shall have been submitted
22 to the Senate; or

23 “(ii) after the adjournment sine die of
24 the session of the Senate in which such
25 nomination is submitted; and

1 “(C) the members initially appointed under
2 this subsection shall serve terms of two, three,
3 four, five, and six years, respectively, from the
4 effective date of this Act, with the term of each
5 such member to be designated by the President.

6 “(5) QUORUM AND MEETINGS.—The Board
7 shall meet upon the call of the chairman or a major-
8 ity of its members. Three members of the Board
9 shall constitute a quorum.”.

10 (e) SUBPOENA POWER FOR THE PRIVACY AND CIVIL
11 LIBERTIES OVERSIGHT BOARD.—Section 1061(d) of the
12 Intelligence Reform and Terrorism Prevention Act of
13 2004 is amended—

14 (1) so that subparagraph (D) of paragraph (1)
15 reads as follows:

16 “(D) require, by subpoena issued at the di-
17 rection of a majority of the members of the
18 Board, persons (other than departments, agen-
19 cies, and elements of the executive branch) to
20 produce any relevant information, documents,
21 reports, answers, records, accounts, papers, and
22 other documentary or testimonial evidence.”;
23 and

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

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

8 (f) REPORTING REQUIREMENTS.—

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

13 “(4) REPORTS.—

14 “(A) RECEIPT, REVIEW, AND SUBMIS-
15 SION.—

16 “(i) IN GENERAL.—The Board shall—

17 “(I) receive and review reports
18 from privacy officers and civil liberties
19 officers described in section 212; and

20 “(II) periodically submit, not less
21 than semiannually, reports to the ap-
22 propriate committees of Congress, in-
23 cluding the Committees on the Judici-
24 ary of the Senate and the House of
25 Representatives, the Committee on

1 Homeland Security and Governmental
2 Affairs of the Senate, the Committee
3 on Government Reform of the House
4 of Representatives, the Select Com-
5 mittee on Intelligence of the Senate,
6 and the Permanent Select Committee
7 on Intelligence of the House of Rep-
8 resentatives, and to the President.

9 Such reports shall be in unclassified form
10 to the greatest extent possible, with a clas-
11 sified annex where necessary.

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

15 “(I) a description of the major
16 activities of the Board during the pre-
17 ceding period;

18 “(II) information on the findings,
19 conclusions, and recommendations of
20 the Board resulting from its advice
21 and oversight functions under sub-
22 section (c);

23 “(III) the minority views on any
24 findings, conclusions, and rec-
25 ommendations of the Board resulting

1 from its advice and oversight func-
2 tions under subsection (c); and

3 “(IV) each proposal reviewed by
4 the Board under subsection (c)(1)
5 that the Board advised against imple-
6 menting, but that notwithstanding
7 such advice, was implemented.

8 “(B) INFORMING THE PUBLIC.—The
9 Board shall—

10 “(i) make its reports, including its re-
11 ports to Congress, available to the public
12 to the greatest extent that is consistent
13 with the protection of classified informa-
14 tion and applicable law; and

15 “(ii) hold public hearings and other-
16 wise inform the public of its activities, as
17 appropriate and in a manner consistent
18 with the protection of classified informa-
19 tion and applicable law.”.

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

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

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

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

22 “(2) periodically investigate and review depart-
23 ment, agency, or element actions, policies, proce-
24 dures, guidelines, and related laws and their imple-
25 mentation to ensure that such department, agency,

1 or element is adequately considering privacy and
2 civil liberties in its actions;

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

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

12 “(A) that the power actually enhances se-
13 curity and the need for the power is balanced
14 with the need to protect privacy and civil lib-
15 erties;

16 “(B) that there is adequate supervision of
17 the use by such department, agency, or element
18 of the power to ensure protection of privacy and
19 civil liberties; and

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

22 “(b) EXCEPTION TO DESIGNATION AUTHORITY.—

23 “(1) PRIVACY OFFICERS.—In any department,
24 agency, or element referred to in subsection (a) or
25 designated by the Board, which has a statutorily

1 created privacy officer, such officer shall perform the
2 functions specified in subsection (a) with respect to
3 privacy.

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

10 “(c) SUPERVISION AND COORDINATION.—Each pri-
11 vacy officer or civil liberties officer described in subsection
12 (a) or (b) shall—

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

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

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

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

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

25 “(3) is consulted by decisionmakers; and

1 “(4) is given access to material and personnel
2 the officer determines to be necessary to carry out
3 the functions of such officer.

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

17 “(f) PERIODIC REPORTS.—

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

23 “(A)(i) to the appropriate committees of
24 Congress, including the Committees on the Ju-
25 diciary of the Senate and the House of Rep-

1 representatives, the Committee on Homeland Secu-
2 rity and Governmental Affairs of the Senate,
3 the Committee on Government Reform of the
4 House of Representatives, the Select Committee
5 on Intelligence of the Senate, and the Perma-
6 nent Select Committee on Intelligence of the
7 House of Representatives;

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

10 “(iii) to the Privacy and Civil Liberties
11 Oversight Board; and

12 “(B) which shall be in unclassified form to
13 the greatest extent possible, with a classified
14 annex where necessary.

15 “(2) CONTENTS.—Each report submitted under
16 paragraph (1) shall include information on the dis-
17 charge of each of the functions of the officer con-
18 cerned, including—

19 “(A) information on the number and types
20 of reviews undertaken;

21 “(B) the type of advice provided and the
22 response given to such advice;

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

1 “(D) a summary of the disposition of such
2 complaints, the reviews and inquiries conducted,
3 and the impact of the activities of such officer.

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

6 “(1) make the reports of such officer, including
7 reports to Congress, available to the public to the
8 greatest extent that is consistent with the protection
9 of classified information and applicable law; and

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

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

18 “(i) PROTECTIONS FOR HUMAN RESEARCH SUB-
19 JECTS.—The Secretary of Homeland Security shall ensure
20 that the Department of Homeland Security complies with
21 the protections for human research subjects, as described
22 in part 46 of title 45, Code of Federal Regulations, or
23 in equivalent regulations as promulgated by such Sec-
24 retary, with respect to research that is conducted or sup-
25 ported by such Department.”.

1 (g) INCLUSION IN PRESIDENT'S BUDGET SUBMIS-
2 SION TO CONGRESS.—Section 1105(a) of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing new paragraph:

5 “(36) a separate statement of the amount of
6 appropriations requested for the Privacy and Civil
7 Liberties Oversight Board.”.

8 (h) REPORT; CERTIFICATION.—

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

19 (A) a certification by the Attorney General
20 that such recommendations have been imple-
21 mented and such policy goals have been
22 achieved; or

23 (B) if the Attorney General is unable to
24 make the certification described in subpara-
25 graph (A), a description of—

1 (i) the steps taken to implement such
2 recommendations and achieve such policy
3 goals;

4 (ii) when the Attorney General ex-
5 pects such recommendations to be imple-
6 mented and such policy goals to be
7 achieved; and

8 (iii) any allocation of resources or
9 other actions by Congress the Attorney
10 General considers necessary to implement
11 such recommendations and achieve such
12 policy goals.

13 (2) TERMINATION OF DUTY TO REPORT.—The
14 duty to submit a report under paragraph (1) shall
15 terminate when the Attorney General submits a cer-
16 tification pursuant to paragraph (1)(A).

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

1 **SEC. 213. SET PRIVACY GUIDELINES FOR GOVERNMENT**
2 **SHARING OF PERSONAL INFORMATION.**

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

12 (1) a certification by the Attorney General that
13 such recommendations have been implemented and
14 such policy goals have been achieved; or

15 (2) if the Attorney General is unable to make
16 the certification described in paragraph (1), a de-
17 scription of—

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

20 (B) when the Attorney General expects
21 such recommendations to be implemented and
22 such policy goals to be achieved; and

23 (C) any allocation of resources or other ac-
24 tions by Congress the Attorney General con-
25 siders necessary to implement such rec-
26 ommendations and achieve such policy goals.

1 (b) TERMINATION OF DUTY TO REPORT.—The duty
2 to submit a report under subsection (a) shall terminate
3 when the Attorney General submits a certification pursu-
4 ant to subsection (a)(1).

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

13 **SEC. 214. DEFINITION OF RELEVANT CONGRESSIONAL**
14 **COMMITTEES FOR SUBTITLE.**

15 As used in this subtitle, the term “relevant commit-
16 tees” means the Committee on Homeland Security of the
17 House of Representatives, the Committee on Government
18 Reform of the House of Representatives, the Committee
19 on Homeland Security and Governmental Affairs of the
20 Senate, the Committees on the Judiciary of the Senate
21 and House of Representatives, the Select Committee on
22 Intelligence of the Senate, and the Permanent Select Com-
23 mittee on Intelligence of the House of Representatives.

1 **Subtitle C—Homeland Security**
2 **Committees**

3 **CHAPTER 1—HOMELAND SECURITY RE-**
4 **FORM IN THE HOUSE OF REPRESENT-**
5 **ATIVES**

6 **SEC. 221. COMMITTEE ON HOMELAND SECURITY.**

7 Clause 1 of rule X of the Rules of the House of Rep-
8 representatives is amended by redesignating paragraphs (i)
9 through (s) as paragraphs (j) through (t), respectively,
10 and by inserting after paragraph (h) the following new
11 paragraph:

12 “(i) COMMITTEE ON HOMELAND SECURITY.—

13 “(1) The Department of Homeland Security

14 “(2) Homeland security, generally.

15 The committee shall have exclusive jurisdiction over the
16 matters referred to in subparagraphs (1) and (2).”.

17 **SEC. 222. COMMITTEE ON INTELLIGENCE.**

18 (a) Clause 1 of rule X of the Rules of the House of
19 Representatives (as amended by section 301) is further
20 amended by redesignating paragraphs (k) through (t) as
21 paragraphs (l) through (u), respectively, and by inserting
22 after paragraph (j) (as redesignated by such section) the
23 following new paragraph:

24 “(k) COMMITTEE ON INTELLIGENCE.—

1 “(1) The Director of National Intelligence, the
2 Central Intelligence Agency, the Director of Central
3 Intelligence, and the National Foreign Intelligence
4 Program as defined in section 3(6) of the National
5 Security Act of 1947.

6 “(2) Intelligence and intelligence-related activi-
7 ties of all other departments and agencies of the
8 Government, including the tactical intelligence and
9 intelligence-related activities of the Department of
10 Defense.

11 “(3) The organization or reorganization of a de-
12 partment or agency of the Government to the extent
13 that the organization or reorganization relates to a
14 function or activity involving intelligence or intel-
15 ligence-related activities.

16 “(4) Authorizations for appropriations, both di-
17 rect and indirect, for the following:

18 “(A) The Director of National Intelligence,
19 the Central Intelligence Agency, the Director of
20 Central Intelligence, and the National Foreign
21 Intelligence Program as defined in section 3(6)
22 of the National Security Act of 1947.

23 “(B) Intelligence and intelligence-related
24 activities of all other departments and agencies
25 of the Government, including the tactical intel-

1 intelligence and intelligence-related activities of the
2 Department of Defense.

3 “(C) A department, agency, subdivision, or
4 program that is a successor to an agency or
5 program named or referred to in subdivision
6 (A) or (B).

7 The committee shall have exclusive jurisdiction over
8 the matters referred to in subparagraphs (1)
9 through (4).”.

10 (b) Clause 4 of rule X of the Rules of the House of
11 Representatives is amended by adding at the end the fol-
12 lowing new paragraph:

13 “(g)(1) For purposes of accountability to the House,
14 the Committee on Intelligence shall make regular and
15 periodic reports to the House on the nature and extent
16 of the intelligence and intelligence-related activities of the
17 various departments and agencies of the United States.
18 The committee shall promptly call to the attention of the
19 House, or to any other appropriate committee, a matter
20 requiring the attention of the House or another com-
21 mittee. In making such report, the committee shall pro-
22 ceed in a manner consistent with subparagraph (7) to pro-
23 tect national security.

24 “(2) The Committee on Intelligence shall obtain an-
25 nual reports from the Director of National Intelligence,

1 the Director of the Central Intelligence Agency, the Sec-
2 retary of Defense, the Secretary of State, and the Director
3 of the Federal Bureau of Investigation. Such reports shall
4 review the intelligence and intelligence-related activities of
5 the agency or department concerned and the intelligence
6 and intelligence-related activities of foreign countries di-
7 rected at the United States or its interests. An unclassified
8 version of each report may be made available to the public
9 at the discretion of the committee. Nothing herein shall
10 be construed as requiring the public disclosure in such re-
11 ports of the names of persons engaged in intelligence or
12 intelligence-related activities for the United States or the
13 divulging of intelligence methods employed or the sources
14 of information on which the reports are based or the
15 amount of funds authorized to be appropriated for intel-
16 ligence and intelligence-related activities.

17 “(3) Within six weeks after the President submits a
18 budget under section 1105(a) of title 31, United States
19 Code, or at such time as the Committee on the Budget
20 may request, the Committee on Intelligence shall submit
21 to the Committee on the Budget the views and estimates
22 described in section 301(d) of the Congressional Budget
23 Act of 1974 regarding matters within the jurisdiction of
24 the committee.

1 “(4)(A) Except as specified in subdivision (B),
2 clauses 8(a), (b), and (c) and 9(a), (b), and (c) of this
3 rule, and clauses 1, 2, and 4 of rule XI shall apply to
4 the Committee on Intelligence to the extent not incon-
5 sistent with this clause.

6 “(B) Notwithstanding the requirements of the first
7 sentence of clause 2(g)(2) of rule XI, in the presence of
8 the number of members required under the rules of the
9 Committee on Intelligence for the purpose of taking testi-
10 mony or receiving evidence, the committee may vote to
11 close a hearing whenever a majority of those present deter-
12 mines that the testimony or evidence would endanger the
13 national security.

14 “(5) An employee of the Committee on Intelligence,
15 or a person engaged by contract or otherwise to perform
16 services for or at the request of the committee, may not
17 be given access to any classified information by the com-
18 mittee unless such employee or person has—

19 “(A) agreed in writing and under oath to be
20 bound by the Rules of the House, including the ju-
21 risdiction of the Committee on Standards of Official
22 Conduct and of the Committee on Intelligence con-
23 cerning the security of classified information during
24 and after the period of his employment or contrac-
25 tual agreement with the committee; and

1 “(B) received an appropriate security clearance,
2 as determined by the Committee on Intelligence in
3 consultation with the Director of Central Intel-
4 ligence, that is commensurate with the sensitivity of
5 the classified information to which such employee or
6 person will be given access by the committee.

7 “(6) The Committee on Intelligence shall formulate
8 and carry out such rules and procedures as it considers
9 necessary to prevent the disclosure, without the consent
10 of each person concerned, of information in the possession
11 of the committee that unduly infringes on the privacy or
12 that violates the constitutional rights of such person.
13 Nothing herein shall be construed to prevent the com-
14 mittee from publicly disclosing classified information in a
15 case in which it determines that national interest in the
16 disclosure of classified information clearly outweighs any
17 infringement on the privacy of a person.

18 “(7)(A) The Committee on Intelligence may disclose
19 publicly any information in its possession after a deter-
20 mination by the committee that the public interest would
21 be served by such disclosure. With respect to the dislo-
22 sure of information for which this subparagraph requires
23 action by the committee—

1 “(i) the committee shall meet to vote on the
2 matter within five days after a member of the com-
3 mittee requests a vote; and

4 “(ii) a member of the committee may not make
5 such a disclosure before a vote by the committee on
6 the matter, or after a vote by the committee on the
7 matter except in accordance with this subparagraph.

8 “(B)(i) In a case in which the Committee on Intel-
9 ligence votes to disclose publicly any information that has
10 been classified under established security procedures, that
11 has been submitted to it by the executive branch, and that
12 the executive branch requests be kept secret, the com-
13 mittee shall notify the President of such vote.

14 “(ii) The Committee on Intelligence may disclose
15 publicly such information after the expiration of a five-
16 day period following the day on which notice of the vote
17 to disclose is transmitted to the President unless, before
18 the expiration of the five-day period, the President, per-
19 sonally in writing, notifies the committee that he objects
20 to the disclosure of such information, provides his reasons
21 therefor, and certifies that the threat to the national inter-
22 est of the United States posed by the disclosure is of such
23 gravity that it outweighs any public interest in the disclo-
24 sure.

1 “(iii) If the President, personally in writing, notifies
2 the committee of his objections to the disclosure of infor-
3 mation as provided in clause (ii), the committee may, by
4 majority vote, refer the question of the disclosure of such
5 information, with a recommendation thereon, to the
6 House. The committee may not publicly disclose such in-
7 formation without leave of the House.

8 “(iv) Whenever the committee votes to refer the ques-
9 tion of disclosure of any information to the House under
10 clause (iii), the chairman shall, not later than the first
11 day on which the House is in session following the day
12 on which the vote occurs, report the matter to the House
13 for its consideration.

14 “(v) If the chairman of the committee does not offer
15 in the House a motion to consider in closed session a mat-
16 ter reported under clause (iv) within four calendar days
17 on which the House is in session after the recommendation
18 described in clause (iii) is reported, then such a motion
19 shall be privileged when offered by a Member, Delegate,
20 or Resident Commissioner. In either case such a motion
21 shall be decided without debate or intervening motion ex-
22 cept one that the House adjourn.

23 “(vi) Upon adoption by the House of a motion to re-
24 solve into closed session as described in clause (v), the
25 Speaker may declare a recess subject to the call of the

1 Chair. At the expiration of the recess, the pending ques-
2 tion, in closed session, shall be, ‘Shall the House approve
3 the recommendation of the committee?’.

4 “(vii) Debate on the question described in clause (vi)
5 shall be limited to two hours equally divided and controlled
6 by the chairman and ranking minority member of the com-
7 mittee. After such debate the previous question shall be
8 considered as ordered on the question of approving the
9 recommendation without intervening motion except one
10 motion that the House adjourn. The House shall vote on
11 the question in open session but without divulging the in-
12 formation with respect to which the vote is taken. If the
13 recommendation of the committee is not approved, then
14 the question is considered as recommitted to the com-
15 mittee for further recommendation.

16 “(C)(i) Information in the possession of the Com-
17 mittee on Intelligence relating to the lawful intelligence
18 or intelligence-related activities of a department or agency
19 of the United States that has been classified under estab-
20 lished security procedures, and that the committee has de-
21 termined should not be disclosed under subdivision (A) or
22 (B), may not be made available to any person by a Mem-
23 ber, Delegate, Resident Commissioner, officer, or em-
24 ployee of the House except as provided in clause (ii).

1 “(ii) The Committee on Intelligence shall, under such
2 regulations as it may prescribe, make information de-
3 scribed in clause (i) available to a committee or a Member,
4 Delegate, or Resident Commissioner, and permit a Mem-
5 ber, Delegate, or Resident Commissioner to attend a hear-
6 ing of the committee that is closed to the public. Whenever
7 the committee makes such information available, it shall
8 keep a written record showing, in the case of particular
9 information, which committee or which Member, Delegate,
10 or Resident Commissioner received the information. A
11 Member, Delegate, or Resident Commissioner who, and a
12 committee that, receives information under this clause
13 may not disclose the information except in a closed session
14 of the House.

15 “(D) The Committee on Standards of Official Con-
16 duct shall investigate any unauthorized disclosure of intel-
17 ligence or intelligence-related information by a Member,
18 Delegate, Resident Commissioner, officer, or employee of
19 the House in violation of subdivision (C) and report to
20 the House concerning any allegation that it finds to be
21 substantiated.

22 “(E) Upon the request of a person who is subject to
23 an investigation described in subdivision (D), the Com-
24 mittee on Standards of Official Conduct shall release to
25 such person at the conclusion of its investigation a sum-

1 mary of its investigation, together with its findings. If, at
2 the conclusion of its investigation, the Committee on
3 Standards of Official Conduct determines that there has
4 been a significant breach of confidentiality or unauthor-
5 ized disclosure by a Member, Delegate, Resident Commis-
6 sioner, officer, or employee of the House, it shall report
7 its findings to the House and recommend appropriate ac-
8 tion. Recommendations may include censure, removal
9 from committee membership, or expulsion from the House,
10 in the case of a Member, or removal from office or employ-
11 ment or punishment for contempt, in the case of an officer
12 or employee.

13 “(F) The Committee on Intelligence may permit a
14 personal representative of the President, designated by the
15 President to serve as a liaison to the committee, to attend
16 any closed meeting of the committee.

17 “(G) Subject to the Rules of the House, funds may
18 not be appropriated for a fiscal year, with the exception
19 of a bill or joint resolution continuing appropriations, or
20 an amendment thereto, or a conference report thereon, to,
21 or for use of, a department or agency of the United States
22 to carry out any of the following activities, unless the
23 funds shall previously have been authorized by a bill or
24 joint resolution passed by the House during the same or

1 preceding fiscal year to carry out such activity for such
2 fiscal year:

3 “(i) The activities of the Central Intelligence
4 Agency and the Director of Central Intelligence.

5 “(ii) The activities of the Defense Intelligence
6 Agency.

7 “(iii) The activities of the National Security
8 Agency.

9 “(iv) The intelligence and intelligence-related
10 activities of other agencies and subdivisions of the
11 Department of Defense.

12 “(v) The intelligence and intelligence-related ac-
13 tivities of the Department of State.

14 “(vi) The intelligence and intelligence-related
15 activities of the Federal Bureau of Investigation, in-
16 cluding all activities of the Intelligence Division.

17 “(vii) The activities of the Director of National
18 Intelligence.

19 “(H)(i) In this clause, the term ‘intelligence and in-
20 telligence-related activities’ includes—

21 “(I) the collection, analysis, production, dis-
22 semination, or use of information that relates to a
23 foreign country, or a government, political group,
24 party, military force, movement, or other association
25 in a foreign country, and that relates to the defense,

1 foreign policy, national security, or related policies of
2 the United States and other activity in support of
3 the collection, analysis, production, dissemination, or
4 use of such information;

5 “(II) activities taken to counter similar activi-
6 ties directed against the United States;

7 “(III) covert or clandestine activities affecting
8 the relations of the United States with a foreign
9 government, political group, party, military force,
10 movement, or other association;

11 “(IV) the collection, analysis, production, dis-
12 semination, or use of information about activities of
13 persons within the United States, its territories and
14 possessions, or nationals of the United States abroad
15 whose political and related activities pose, or may be
16 considered by a department, agency, bureau, office,
17 division, instrumentality, or employee of the United
18 States to pose, a threat to the internal security of
19 the United States; and

20 “(V) covert or clandestine activities directed
21 against persons described in (IV).

22 “(ii) In this clause, the term ‘department or agency’
23 includes any organization, committee, council, establish-
24 ment, or office within the Federal Government.

1 “(iii) For purposes of this clause, reference to a de-
2 partment, agency, bureau, or subdivision shall include a
3 reference to any successor department, agency, bureau, or
4 subdivision to the extent that a successor engages in intel-
5 ligence or intelligence-related activities now conducted by
6 the department, agency, bureau, or subdivision referred to
7 in this clause.

8 “(I) Clause 12(a) of rule XXII does not apply to
9 meetings of a conference committee respecting legislation
10 (or any part thereof) reported by the Committee on Intel-
11 ligence.”.

12 (c) Clause 5(a) of rule X of the Rules of the House
13 of Representatives is amended by adding at the end the
14 following new subparagraph:

15 “(4)(A) The Committee on Intelligence shall be com-
16 posed of not more than 18 Members, Delegates, or the
17 Resident Commissioner, of whom not more than 10 may
18 be from the same party. The committee shall include at
19 least one Member, Delegate, or the Resident Commis-
20 sioner from each of the following committees:

21 “(i) The Committee on Appropriations.

22 “(ii) The Committee on Armed Services.

23 “(iii) The Committee on International Rela-
24 tions.

25 “(iv) The Committee on the Judiciary.

1 “(B) The Speaker and the Minority Leader shall be
2 ex officio members of the Committee on Intelligence, but
3 shall have no vote in the committee and may not be count-
4 ed for purposes of determining a quorum.

5 “(C) The Speaker and Minority Leader each may
6 designate a member of his leadership staff to assist him
7 in his capacity as ex officio member, with the same access
8 to committee meetings, hearings, briefings, and materials
9 as employees of the committee and subject to the same
10 security clearance and confidentiality requirements as em-
11 ployees of the committee under this clause.”.

12 **SEC. 223. SUBCOMMITTEE LIMITATION ON COMMITTEE ON**
13 **APPROPRIATIONS.**

14 The second sentence of clause 5(d)(2) of rule X of
15 the Rules of the House of Representatives is amended by
16 striking “13” and inserting “14 (of which one is a Sub-
17 committee on Intelligence)”.

18 **SEC. 224. MEMBERSHIP ON COMMITTEE ON APPROPRIA-**
19 **TIONS.**

20 Clause 5 of rule X of the Rules of the House of Rep-
21 resentatives is amended by adding at the end the following
22 new paragraph:

23 “(f) One-third of the members of the Committee on
24 Intelligence (but if such number is not an even-number
25 divisible by three, then the next highest even-number that

1 is divisible by three) shall be members of the Committee
2 on Appropriations, of whom not more than one-half shall
3 be from the same party.”.

4 **SEC. 225. CONFORMING AMENDMENTS.**

5 (a) Clause 3(1) of rule X of the Rules of the House
6 of Representatives is amended by striking “Permanent Se-
7 lect” and by striking “clause 11(b)(1)(A)” and inserting
8 “clause 1(k)”.

9 (b) Clause 9(a)(2) of rule X of the Rules of the House
10 of Representatives is amended by striking “Permanent Se-
11 lect”.

12 (c) Clause 11 of rule 10 of the Rules of the House
13 of Representatives is repealed.

14 (d) Clause 2(g)(2)(D) of rule 11 of the Rules of the
15 House of Representatives is amended by striking “Perma-
16 nent Select”.

17 **CHAPTER 2—HOMELAND SECURITY**

18 **OVERSIGHT REFORM IN THE SENATE**

19 **Subchapter A—Homeland Security**

20 **SEC. 231. HOMELAND SECURITY.**

21 (a) COMMITTEE ON HOMELAND SECURITY AND GOV-
22 ERNMENT AFFAIRS.—The Committee on Governmental
23 Affairs is renamed as the Committee on Homeland Secu-
24 rity and Governmental Affairs.

1 (b) JURISDICTION.—There shall be referred to the
2 committee all proposed legislation, messages, petitions,
3 memorials, and other matters relating to the following
4 subjects:

5 (1) Department of Homeland Security, except
6 matters relating to the Coast Guard, the Transpor-
7 tation Security Administration, the Federal Law En-
8 forcement Training Center, and the revenue func-
9 tions of the Customs Service.

10 (2) Archives of the United States.

11 (3) Budget and accounting measures, other
12 than appropriations, except as provided in the Con-
13 gressional Budget Act of 1974.

14 (4) Census and collection of statistics, including
15 economic and social statistics.

16 (5) Congressional organization, except for any
17 part of the matter that amends the rules or orders
18 of the Senate.

19 (6) Federal Civil Service.

20 (7) Government information.

21 (8) Intergovernmental relations.

22 (9) Municipal affairs of the District of Colum-
23 bia, except appropriations therefor.

24 (10) Organization and management of United
25 States nuclear export policy.

1 (11) Organization and reorganization of the ex-
2 ecutive branch of the Government.

3 (12) Postal Service.

4 (13) Status of officers and employees of the
5 United States, including their classification, com-
6 pensation, and benefits.

7 (c) ADDITIONAL DUTIES.—The committee shall have
8 the duty of—

9 (1) receiving and examining reports of the
10 Comptroller General of the United States and of
11 submitting such recommendations to the Senate as
12 it deems necessary or desirable in connection with
13 the subject matter of such reports;

14 (2) studying the efficiency, economy, and effec-
15 tiveness of all agencies and departments of the Gov-
16 ernment;

17 (3) evaluating the effects of laws enacted to re-
18 organize the legislative and executive branches of the
19 Government; and

20 (4) studying the intergovernmental relation-
21 ships between the United States and the States and
22 municipalities, and between the United States and
23 international organizations of which the United
24 States is a member.

1 (d) JURISDICTION OF SENATE COMMITTEES.—The
 2 jurisdiction of the Committee on Homeland Security and
 3 Governmental Affairs provided in subsection (b)(1) shall
 4 supersede the jurisdiction of any other committee of the
 5 Senate provided in the rules of the Senate.

6 **Subchapter B—Intelligence Oversight**

7 **Reform**

8 **SEC. 241. INTELLIGENCE OVERSIGHT.**

9 (a) COMMITTEE ON ARMED SERVICES MEMBER-
 10 SHIP.—Section 2(a)(3) of Senate Resolution 400, agreed
 11 to May 19, 1976 (94th Congress) (referred to in this sec-
 12 tion as “S. Res. 400”) is amended by—

13 (1) inserting “(A)” after “(3)”; and

14 (2) inserting at the end the following:

15 “(B) The Chairman and Ranking Member
 16 of the Committee on Armed Services (if not al-
 17 ready a member of the select Committee) shall
 18 be ex officio members of the select Committee
 19 but shall have no vote in the Committee and
 20 shall not be counted for purposes of deter-
 21 mining a quorum.”.

22 (b) NUMBER OF MEMBERS.—Section 2(a) of S. Res.
 23 400 is amended—

24 (1) in paragraph (1), by inserting “not to ex-
 25 ceed” before “fifteen members”;

1 (2) in paragraph (1)(E), by inserting “not to
2 exceed” before “seven”; and

3 (3) in paragraph (2), by striking the second
4 sentence and inserting “Of any members appointed
5 under paragraph (1)(E), the majority leader shall
6 appoint the majority members and the minority
7 leader shall appoint the minority members, with the
8 majority having a one vote margin.”.

9 (c) ELIMINATION OF TERM LIMITS.—Section 2 of
10 Senate Resolution 400, 94th Congress, agreed to May 19,
11 1976, is amended by striking subsection (b) and by redesi-
12 gnating subsection (c) as subsection (b).

13 (d) APPOINTMENT OF CHAIRMAN AND VICE CHAIR-
14 MAN.—Section 2(b) of S. Res. 400, as redesignated by
15 subsection (c) of this section, is amended by striking the
16 first sentence and inserting the following: “At the begin-
17 ning of each Congress, the Majority Leader of the Senate
18 shall select a chairman of the select Committee and the
19 Minority Leader shall select a vice chairman for the select
20 Committee.”.

21 (e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as
22 amended by subsections (a) through (d), is amended by
23 adding at the end the following:

24 “(c) The select Committee may be organized into sub-
25 committees. Each subcommittee shall have a chairman

1 and a vice chairman who are selected by the Chairman
2 and Vice Chairman of the select Committee, respectively.”.

3 (f) REPORTS.—Section 4(a) of S. Res. 400 is amend-
4 ed by inserting “, but not less than quarterly,” after “peri-
5 odic”.

6 (g) STAFF.—Section 15 of S. Res. 400 is amended
7 to read as follows:

8 “SEC. 15. (a) The select Committee shall hire or ap-
9 point one employee for each member of the select Com-
10 mittee to serve as such Member’s designated representa-
11 tive on the select Committee. The select Committee shall
12 only hire or appoint an employee chosen by the respective
13 Member of the select Committee for whom the employee
14 will serve as the designated representative on the select
15 Committee.

16 “(b) The select Committee shall be afforded a supple-
17 ment to its budget, to be determined by the Committee
18 on Rules and Administration, to allow for the hire of each
19 employee who fills the position of designated representa-
20 tive to the select Committee. The designated representa-
21 tive shall have office space and appropriate office equip-
22 ment in the select Committee spaces, and shall have full
23 access to select Committee staff, information, records, and
24 databases.

1 “(c) The designated employee shall meet all the re-
2 quirements of relevant statutes, Senate rules, and com-
3 mittee clearance requirements for employment by the se-
4 lect Committee.”.

5 (h) NOMINEES.—S. Res. 400 is amended by adding
6 at the end the following:

7 “SEC. 17. (a) The select Committee shall have juris-
8 diction for reviewing, holding hearings, and voting on civil-
9 ian persons nominated by the President to fill a position
10 within the intelligence community that requires the advice
11 and consent of the Senate.

12 “(b) Other committees with jurisdiction over the
13 nominees’ executive branch department may hold hearings
14 and interviews with that person.”.

15 **Subchapter C—Committee Status**

16 **SEC. 251. COMMITTEE STATUS.**

17 (a) HOMELAND SECURITY.—The Committee on
18 Homeland Security and Governmental Affairs shall be
19 treated as the Committee on Governmental Affairs listed
20 under paragraph 2 of rule XXV of the Standing Rules
21 of the Senate for purposes of the Standing Rules of the
22 Senate.

23 (b) INTELLIGENCE.—The Select Committee on Intel-
24 ligence shall be treated as a committee listed under para-

1 graph 2 of rule XXV of the Standing Rules of the Senate
2 for purposes of the Standing Rules of the Senate.

3 **Subchapter D—Intelligence-Related**
4 **Subcommittees**

5 **SEC. 261. SUBCOMMITTEE RELATED TO INTELLIGENCE**
6 **OVERSIGHT.**

7 (a) **ESTABLISHMENT.**—There is established in the
8 Select Committee on Intelligence a Subcommittee on Over-
9 sight which shall be in addition to any other subcommittee
10 established by the select Committee.

11 (b) **RESPONSIBILITY.**—The Subcommittee on Over-
12 sight shall be responsible for ongoing oversight of intel-
13 ligence activities.

14 **SEC. 262. SUBCOMMITTEE RELATED TO INTELLIGENCE AP-**
15 **PROPRIATIONS.**

16 (a) **ESTABLISHMENT.**—There is established in the
17 Committee on Appropriations a Subcommittee on Intel-
18 ligence. The Subcommittee on Military Construction shall
19 be combined with the Subcommittee on Defense into 1
20 subcommittee.

21 (b) **JURISDICTION.**—The Subcommittee on Intel-
22 ligence of the Committee on Appropriations shall have ju-
23 risdiction over funding for intelligence matters.

1 **CHAPTER 3—EFFECTIVE DATE**

2 **SEC. 271. EFFECTIVE DATE.**

3 This subtitle shall take effect on the convening of the
4 110th Congress.

5 **Subtitle D—Declassification of**
6 **Overall Intelligence Budget**

7 **SEC. 281. AVAILABILITY TO PUBLIC OF CERTAIN INTEL-**
8 **LIGENCE FUNDING INFORMATION.**

9 (a) AMOUNTS REQUESTED EACH FISCAL YEAR.—

10 The President shall disclose to the public for each fiscal
11 year after fiscal year 2005—

12 (1) the aggregate amount of appropriations re-
13 quested in the budget of the President for the fiscal
14 year concerned for the intelligence and intelligence-
15 related activities of the United States Government;
16 and

17 (2) the aggregate amount of appropriations re-
18 quested in the budget of the President for the fiscal
19 year concerned for each element or component of the
20 intelligence community.

21 (b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—

22 Congress shall disclose to the public for each fiscal year
23 after fiscal year 2005—

24 (1) the aggregate amount of funds appropriated
25 by Congress for the fiscal year concerned for the in-

1 intelligence and intelligence-related activities of the
2 United States Government; and

3 (2) the aggregate amount of funds appropriated
4 by Congress for the fiscal year concerned for each
5 element or component of the intelligence community.

6 **Subtitle E—Standardize Security**
7 **Clearances**

8 **SEC. 282. STANDARDIZATION OF SECURITY CLEARANCES.**

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 Director of the Office of Personnel
12 Management, in consultation with the Director of Na-
13 tional Intelligence, the Secretary of Defense, and the Sec-
14 retary of Homeland Security, shall submit to the relevant
15 congressional committees a report on the recommenda-
16 tions of the 9/11 Commission and the policy goals of sec-
17 tion 3001 of the Intelligence Reform and Terrorism Pre-
18 vention Act of 2004 (Public Law 108–458) with respect
19 to security clearances, including with respect to uniform
20 policies and procedures for the completion of security
21 clearances and reciprocal recognition of such security
22 clearances among agencies of the United States Govern-
23 ment. Such report shall include—

24 (1) a certification by the Director of the Office
25 of Personnel Management 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 Personnel
4 Management 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 Per-
9 sonnel Management expects such recommenda-
10 tions to be implemented and such policy goals
11 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 Personnel Management
19 submits a certification pursuant to subsection (a)(1).

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

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

4 **TITLE III—FOREIGN POLICY,**
5 **PUBLIC DIPLOMACY, AND**
6 **NONPROLIFERATION**

7 **Subtitle A—Foreign Policy**

8 **SEC. 301. ACTIONS TO ENSURE A LONG-TERM COMMIT-**
9 **MENT TO AFGHANISTAN.**

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

12 (1) should give priority to providing assistance
13 to Afghanistan to establish a substantial economic
14 infrastructure and a sound economy; and

15 (2) should continue to provide economic and de-
16 velopment assistance to Afghanistan, including as-
17 sistance to the Afghan National Army and the police
18 forces and border police of Afghanistan.

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 President shall submit to the rel-
22 evant congressional committees a report on the rec-
23 ommendations of the 9/11 Commission and the policy
24 goals of section 305 of of the Afghanistan Freedom Sup-
25 port Act of 2002 (22 U.S.C. 7555) (as added by section

1 7104(e)(4)(A) of the Intelligence Reform and Terrorism
2 Prevention Act of 2004 (Public Law 108–458)) for ensur-
3 ing a long-term commitment to Afghanistan. Such report
4 shall include—

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

8 (2) if the President is unable to make the cer-
9 tification described in paragraph (1), a description
10 of—

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

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

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

20 (c) TERMINATION OF DUTY TO REPORT.—The duty
21 to submit a report under subsection (b) shall terminate
22 when the President submits a certification pursuant to
23 subsection (b)(1).

24 (d) GAO REVIEW OF CERTIFICATION.—If the Presi-
25 dent submits a certification pursuant to subsection (b)(1),

1 not later than 30 days after the submission of such certifi-
2 cation, the Comptroller General shall submit to the rel-
3 evant congressional committees a report on whether the
4 recommendations described in subsection (b) has been im-
5 plemented and whether the policy goals described in sub-
6 section (b) have been achieved.

7 (e) DEFINITION.—In this section, the term “relevant
8 congressional committees” means—

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

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

15 **SEC. 302. ACTIONS TO SUPPORT PAKISTAN AGAINST EX-**
16 **TREMISTS.**

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

19 (1) the commitment of the President to provide
20 \$3 billion in assistance over the next five years to
21 Pakistan should be commended;

22 (2) the Government of the United States should
23 provide assistance to Pakistan to improve Pakistan’s
24 failing basic education system and to emphasize de-
25 velopment; and

1 (3) the Government of the United States should
2 strongly urge the Government of Pakistan to close
3 Taliban-linked schools known as “madrassas”, close
4 terrorist training camps, and prevent Taliban forces
5 from operating across the border between Pakistan
6 and Afghanistan.

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

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

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

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

22 (2) the Government of Saudi Arabia should
23 take additional steps to regulate charities and pro-
24 mote tolerance and moderation.

1 (b) REPORT; CERTIFICATION.—Not later than 30
2 days after the date of the enactment of this Act, and every
3 30 days thereafter, the Secretary of State shall submit to
4 the relevant congressional committees a report on the rec-
5 ommendations of the 9/11 Commission and the policy
6 goals of section 7105 of the Intelligence Reform and Ter-
7 rorism Prevention Act of 2004 (Public Law 108–458) for
8 improving dialogue between the people and Government
9 of the United States and the people and Government of
10 Saudi Arabia in order to improve the relationship between
11 the two countries. Such report shall include—

12 (1) a certification by the Secretary of State
13 that such recommendations have been implemented
14 and such policy goals have been achieved; or

15 (2) if the Secretary of State is unable to make
16 the certification described in paragraph (1), a de-
17 scription of—

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

20 (B) when the Secretary of State expects
21 such recommendations to be implemented and
22 such policy goals to be achieved; and

23 (C) any allocation of resources or other ac-
24 tions by Congress the Secretary of State con-

1 siders necessary to implement such rec-
2 ommendations and achieve such policy goals.

3 (c) **TERMINATION OF DUTY TO REPORT.**—The duty
4 to submit a report under subsection (b) shall terminate
5 when the Secretary of State submits a certification pursu-
6 ant to subsection (b)(1).

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

15 (e) **DEFINITION.**—In this section, the term “relevant
16 congressional committees” means—

17 (1) the Committee on International Relations
18 and the Committee on Government Reform of the
19 House of Representatives; and

20 (2) the Committee on Foreign Relations and
21 the Committee on Homeland Security and Govern-
22 mental Affairs of the Senate.

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

24 (a) **NATIONAL COUNTERTERRORISM CENTER IDEN-**
25 **TIFICATION OF TERRORIST SANCTUARIES.**—Subsection

1 (d) of section 119 of National Security Act of 1947 (50
2 U.S.C. 404o) is amended by adding at the end the fol-
3 lowing new paragraph:

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

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

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

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

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

4 “(3) strategy to eliminate each such sanctuary;
5 and

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

8 **SEC. 305. COMPREHENSIVE COALITION STRATEGY AGAINST**
9 **ISLAMIST TERRORISM.**

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

12 (1) should continue to engage other countries in
13 developing a comprehensive coalition strategy
14 against Islamist terrorism; and

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

22 (b) 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 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 7117 of the Intelligence Reform and Ter-
3 rorism Prevention Act of 2004 (Public Law 108–458) for
4 engaging other countries in developing a comprehensive
5 coalition strategy for combating terrorism. Such report
6 shall include—

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

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

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

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

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

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

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

9 (e) DEFINITION.—In this section, the term “relevant
10 congressional committees” means—

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

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

17 **SEC. 306. STANDARDS FOR THE DETENTION AND HUMANE**
18 **TREATMENT OF CAPTURED TERRORISTS.**

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, in consultation
22 with the Attorney General, shall submit to the relevant
23 congressional committees a report on the recommenda-
24 tions of the 9/11 Commission for engaging United States
25 allies to develop a common coalition approach toward the

1 detention and humane treatment of captured terrorists
2 and the policy goals of sections 1002, 1003, and 1005 of
3 the Department of Defense, Emergency Supplemental Ap-
4 propriations to Address Hurricanes in the Gulf of Mexico,
5 and Pandemic Influenza Act, 2006 (Public Law 109–148).

6 Such report shall include—

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

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

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

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

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

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

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

9 (d) DEFINITION.—In this section, the term “relevant
10 congressional committees” means—

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

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

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

21 (a) REPORT; CERTIFICATION.—Not later than 30
22 days after the date of the enactment of this Act, and every
23 30 days thereafter, the Secretary of State, in consultation
24 with the United States Trade Representative, shall submit
25 to the relevant congressional committees a report on the

1 recommendations of the 9/11 Commission and the policy
2 goals of section 7115 of the Intelligence Reform and Ter-
3 rorism Prevention Act of 2004 (Public Law 108–458) for
4 developing economic policies to combat terrorism. Such re-
5 port shall include—

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

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

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

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

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

1 (b) TERMINATION OF DUTY TO REPORT.—The duty
2 to submit a report under subsection (a) shall terminate
3 when the Secretary of State submits a certification pursu-
4 ant to subsection (a)(1).

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

13 (d) DEFINITION.—In this section, the term “relevant
14 congressional committees” means—

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

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

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

23 (a) FINDINGS.—Congress finds the following:

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 of each year,
22 the Secretary of the Treasury shall submit to 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) DEFINITION.—In this section, the term “relevant
8 congressional 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. 312. INTERNATIONAL BROADCASTING.**

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

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

22 (2) the extent to which the activities of Radio
23 Sawa and Radio Al-Hurra have been successful, in-
24 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) DEFINITION.—In this section, the term “relevant
4 congressional committees” means—

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

8 (2) the Committee on Foreign Relations and
9 the Committee on Homeland Security and Govern-
10 mental Affairs of the Senate.

11 **SEC. 313. EXPANSION OF UNITED STATES SCHOLARSHIP,**
12 **EXCHANGE, AND LIBRARY PROGRAMS IN THE**
13 **ISLAMIC WORLD.**

14 (a) REPORT; CERTIFICATION.—Not later than 30
15 days after the date of the enactment of this Act, and every
16 30 days thereafter, the Secretary of State shall submit to
17 the relevant congressional committees a report on the rec-
18 ommendations of the 9/11 Commission and the policy
19 goals of sections 7112 of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (Public Law 108–458) for
21 expanding United States scholarship, exchange, and li-
22 brary programs in the Islamic world. Such report shall
23 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) DEFINITION.—In this section, the term “relevant
4 congressional committees” means—

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

8 (2) the Committee on Foreign Relations and
9 the Committee on Homeland Security and Govern-
10 mental Affairs of the Senate.

11 **SEC. 314. INTERNATIONAL YOUTH OPPORTUNITY FUND.**

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

14 (1) the Middle East Partnership Initiative
15 (MEPI) and the United States Agency for Inter-
16 national Development should be commended for ini-
17 tiating programs in predominantly Muslim countries
18 to support secular education improvements and the
19 teaching of English, including programs that focus
20 on the education of women;

21 (2) the secular education programs of MEPI
22 and the United States Agency for International De-
23 velopment are a constructive start to answering the
24 challenge of secular education in predominantly
25 Muslim countries;

1 (3) the secular education programs of MEPI
2 and the United States Agency for International De-
3 velopment should be components of an overall strat-
4 egy for educational assistance—itsself one component
5 of an overall United States strategy for
6 counterterrorism—targeted where the need and the
7 benefit to the national security of the United States
8 are greatest; and

9 (4) upon formation of a broader strategy for
10 international educational assistance targeted toward
11 the Middle East, a significant increase in funding
12 for these initiatives should be provided.

13 (b) INTERNATIONAL YOUTH OPPORTUNITY FUND.—
14 There are authorized to be appropriated to the Secretary
15 of State \$50,000,000 for each of the fiscal years 2007 and
16 2008 to support the establishment of an International
17 Youth Opportunity Fund pursuant to section 7114 of the
18 Intelligence Reform and Terrorism Prevention Act of
19 2004 (Public Law 108–458).

20 **Subtitle C—Nonproliferation**

21 **SEC. 321. SHORT TITLE.**

22 This subtitle may be cited as the “Omnibus Non-
23 proliferation and Anti-Nuclear Terrorism Act of 2006”.

24 **SEC. 322. FINDINGS.**

25 Congress finds the following:

1 (1) LOOSE NUCLEAR WEAPONS AND MATERIALS
2 IN THE FORMER SOVIET UNION.—

3 (A) There are in the world today enormous
4 stockpiles of nuclear weapons and the materials
5 required to make them. Counting materials
6 both in assembled warheads and in other forms,
7 worldwide totals are estimated to encompass
8 some 1,900 tons of highly enriched uranium
9 (enough for 143,000 nuclear weapons) and
10 1,855 tons of plutonium (enough for 330,000
11 nuclear weapons).

12 (B) The Russian Federation alone is esti-
13 mated to have over 1,000 tons of highly en-
14 riched uranium (enough for over 80,000 nuclear
15 weapons) and 140 tons of plutonium (enough
16 for over 30,000 nuclear weapons).

17 (C) The United States has been working
18 for over a decade to eliminate stockpiles of loose
19 nuclear weapons and materials in the former
20 Soviet Union, but the Department of Energy
21 acknowledges that there is still a need to prop-
22 erly secure about 460 tons of weapons-usable
23 Russian nuclear material (outside of warheads),
24 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. The President is authorized to appoint
24 not more than four Associate Directors, by and with the
25 advice and consent of the Senate, who shall be com-

1 pensated at a rate not to exceed that provided for level
2 III of the Executive Schedule in section 5314 of such title.
3 Associate Directors shall perform such functions as the
4 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 advantage of opportunities to achieve long-standing non-proliferation goals.”;

2 (3) by striking subsections (c) and (d); and

3 (4) by redesignating subsection (e) as subsection (c).

4 **SEC. 328. SPECIAL REPORTS ON ADHERENCE TO ARMS**
5 **CONTROL AGREEMENTS AND NON-**
6 **PROLIFERATION COMMITMENTS.**

7 (a) **REPORTS REQUIRED.**—At least annually, the
8 Secretary of State shall submit to the appropriate congressional committees a report on each country in which a Cooperative Threat Reduction program is being carried out.
9 The report shall describe that country’s commitments to—

10 (1) making substantial national investments in
11 infrastructure to secure, safeguard, and destroy
12 weapons of mass destruction;

13 (2) forgoing any military modernization exceeding legitimate defense requirements, including replacement of weapons of mass destruction;

14 (3) forgoing any use of fissionable materials or any other components of deactivated nuclear weapons in a new nuclear weapons program;

15 (4) complying with all relevant arms control 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 the Con-
22 gress 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 the Congress that the President
5 should seek to devise and implement standards to improve
6 the 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 finds the following:

11 (1) Article IV of the Treaty on the Non-Pro-
12 liferation of Nuclear Weapons (commonly referred to
13 as the Nuclear Nonproliferation Treaty or NPT) (21
14 UST 483) states that countries that are parties to
15 the treaty have the “inalienable right . . . to develop
16 research, production and use of nuclear energy for
17 peaceful purposes without discrimination and in con-
18 formity with articles I and II of this treaty.”.

19 (2) The rights outlined under article IV include
20 all fuel cycle activities, despite the fact that uranium
21 enrichment and plutonium production potentially put
22 a country in a position to produce weapons usable
23 material.

24 (3) David Bergmann, former chairman of the
25 Israeli Atomic Energy Commission, stated: “. . . by

1 developing atomic energy for peaceful uses, you
2 reach the nuclear weapon option. There are not two
3 atomic energies”.

4 (4) The wording of article IV has made it pos-
5 sible for countries that are parties to the NPT trea-
6 ty to use peaceful nuclear programs as a cover for
7 weapons programs. In particular, the misuse by
8 North Korea and Iran of these provisions threatens
9 to undercut the viability of the nuclear nonprolifera-
10 tion regime and the entire system of international
11 nuclear commerce.

12 (5) If the international community fails to de-
13 vise effective measures to deal with the “loophole” in
14 article IV, then there is a great likelihood that the
15 ranks of countries possessing nuclear weapons will
16 increase markedly in the next decade.

17 (b) PRESIDENTIAL REPORT ON CONTROL OF NU-
18 CLEAR FUEL CYCLE TECHNOLOGIES AND MATERIAL.—
19 Not later than 90 days after the date of the enactment
20 of this Act, the President shall submit to the appropriate
21 congressional committees a report identifying ways to
22 more effectively control nuclear fuel cycle technologies and
23 material, including ways that the United States can mobi-
24 lize the international community to close the “loophole”

1 of article IV of the NPT, without undermining the treaty
2 itself.

3 **SEC. 337. DEFINITIONS.**

4 In this subtitle:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on International Rela-
9 tions, the Committee on Armed Services, the
10 Committee on Homeland Security, and the
11 Committee on Appropriations of the House of
12 Representatives; and

13 (B) the Committee on Foreign Relations,
14 the Committee on Armed Services, the Com-
15 mittee on Homeland Security and Govern-
16 mental Affairs, and the Committee on Appro-
17 priations of the Senate.

18 (2) COOPERATIVE THREAT REDUCTION PRO-
19 GRAMS.—The term “Cooperative Threat Reduction
20 programs” means programs and activities specified
21 in section 1501(b) of the National Defense Author-
22 ization Act for Fiscal Year 1997 (Public Law 104–
23 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

○