110TH CONGRESS
1ST SESSION

H. R. 1

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. THOMPSON of Mississippi (for himself, Mr. LANTOS, Mr. SKELTON, Mrs. GILLIBRAND, Mr. ACKERMAN, Mr. ALLEN, Mr. ALTMIRE, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Ms. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPs, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CRAMER, Mr. CUellar, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. DONNELLY, Mr. DOYLE, Mr. ELLISON, Mr. ELLSWORTH, Mr. EMANUEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. PALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FULTNOR, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSHEY, Mr. HIGGINS, Mr. HILL, Mr. HINCHLEY, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOVER, Ms. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-Lee of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAGEN, Ms. KAPITUR, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LAMPS, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBEL, Ms. ZOE LOPRENO of California, Mrs. LOWEY, Mr. LYNCH, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. McDermott, Mr. McGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. McNULTY, Mr. MEEHAN, Mr. MECK of Florida, Mr. MICHAUD, Ms. MILLER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. CHER-
topher Murphy of Pennsylvania, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Mr. Perlmutter, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Rahall, Mr. Rangel, Mr. Reyes, Mr. Rodriguez, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Salazar, Ms. Linda T. Sánchez of California, Mr. Sarbanes, Ms. Schakowsky, Mr. Schiff, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sestak, Ms. Shea-Porter, Mr. Sherman, Mr. Shuler, Mr. Sires, Ms. Slaughter, Mr. Smith of Washington, Ms. Solis, Mr. Space, Mr. Spratt, Mr. Stark, Mr. Stupak, Ms. Sutton, Mrs. Tauscher, Mr. Thompson of California, Mr. Tierney, Mrs. Jones of Ohio, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Velázquez, Mr. Walz of Minnesota, Ms. Wasserman Schultz, Ms. Waters, Ms. Watson, Mr. Waxman, Mr. Weiner, Mr. Welch of Vermont, Mr. Wexler, Mr. Wilson of Ohio, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Yarmuth, and Mr. Hinojosa) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, the Judiciary, Select Intelligence (Permanent Select), Foreign Affairs, Transportation and Infrastructure, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Implementing the 9/11 Commission Recommendations Act of 2007”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

Sec. 101. First responders homeland security funding.

TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Sec. 201. Improve Communications for Emergency Response Grant Program.

TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

Sec. 301. National exercise program design.
Sec. 302. National exercise program model exercises.

TITLE IV—STRENGTHENING AVIATION SECURITY

Sec. 401. Installation of in-line baggage screening equipment.
Sec. 402. Aviation security capital fund.
Sec. 403. Airport checkpoint screening explosive detection.
Sec. 404. Strengthening explosive detection at airport screening checkpoints.
Sec. 405. Extension of authorization of aviation security funding.
Sec. 406. Inspection of cargo carried aboard passenger aircraft.
Sec. 407. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 408. Transportation Security Administration personnel management.
Sec. 409. Strategic plan to test and implement advanced passenger prescreening system.

TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

Sec. 501. Requirements relating to entry of containers into the United States.

TITLE VI—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Human Smuggling and Trafficking Center Improvements

Sec. 601. Strengthening the capabilities of the Human Smuggling and Trafficking Center.

Subtitle B—International Collaboration to Prevent Terrorist Travel

Sec. 611. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information.

Subtitle C—Biometric Border Entry and Exit System
Sec. 621. Submittal of plan on biometric entry and exit verification system implementation.

TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program

Sec. 701. Findings.
Sec. 702. FLEET Grant program.

Subtitle B—Border Intelligence Fusion Center Program

Sec. 711. Findings.
Sec. 712. Establishment of Border Intelligence Fusion Center Program.

Subtitle C—Homeland Security Information Sharing Enhancement

Sec. 721. Short title.
Sec. 722. Homeland Security Advisory System.
Sec. 723. Homeland security information sharing.

Subtitle D—Homeland Security Information Sharing Partnerships

Sec. 731. Short title.
Sec. 732. State, Local, and Regional Information Fusion Center Initiative.
Sec. 733. Homeland Security Information Sharing Fellows Program.

Subtitle E—Homeland Security Intelligence Offices Reorganization

Sec. 741. Departmental reorganization.
Sec. 742. Intelligence components of Department of Homeland Security.
Sec. 743. Office of Infrastructure Protection.

TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

Subtitle A—Privacy and Civil Liberties Oversight Boards

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Making the Privacy and Civil Liberties Oversight Board independent.
Sec. 804. Requiring all members of the Privacy and Civil Liberties Oversight Board be confirmed by the Senate.
Sec. 805. Subpoena power for the Privacy and Civil Liberties Oversight Board.
Sec. 806. Reporting requirements.

Subtitle B—Enhancement of Privacy Officer Authorities

Sec. 811. Short title.

TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

Sec. 901. Vulnerability assessment and report on critical infrastructure information.
Sec. 902. National Asset Database and the National At-Risk Database.

TITLE X—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 1001. Strategic transportation security information sharing.
Sec. 1002. Transportation security strategic planning.

TITLE XI—PRIVATE SECTOR PREPAREDNESS

Sec. 1101. Participation of private sector organizations in emergency preparedness and response activities.

TITLE XII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Sec. 1201. Findings.
Sec. 1202. Definitions.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

Sec. 1211. Repeal and modification of limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism.

Subtitle B—Proliferation Security Initiative

Sec. 1221. Proliferation Security Initiative improvements and authorities.
Sec. 1222. Authority to provide assistance to cooperative countries.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1231. Findings; statement of policy.
Sec. 1232. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.
Sec. 1233. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1242. Request for corresponding Russian coordinator.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1252. Purposes.
Sec. 1253. Composition.
Sec. 1254. Responsibilities.
Sec. 1255. Powers.
Sec. 1256. Nonapplicability of Federal Advisory Committee Act.
Sec. 1257. Report.
Sec. 1258. Termination.
TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

Sec. 1301. Short title.
Sec. 1302. Definitions.

Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment, and Materials Involving Foreign Persons and Terrorists

Sec. 1311. Authority to impose sanctions on foreign persons.
Sec. 1312. Presidential notification on activities of foreign persons.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

Sec. 1321. Findings.
Sec. 1322. Campaign by United States Government officials.
Sec. 1323. Coordination.
Sec. 1324. Report.

Subtitle C—Rollback of Nuclear Proliferation Networks

Sec. 1331. Nonproliferation as a condition of United States assistance.
Sec. 1332. Report on identification of nuclear proliferation network host countries.
Sec. 1333. Suspension of arms sales licenses and deliveries to nuclear proliferation host countries.

TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

Sec. 1401. Short title; table of contents.

Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.

Sec. 1411. Findings; Policy.
Sec. 1412. International Arab and Muslim Youth Opportunity Fund.
Sec. 1413. Annual report to Congress.
Sec. 1414. Extension of program to provide grants to American-sponsored schools in Arab and predominantly Muslim Countries to provide scholarships.

Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries

Sec. 1421. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
Sec. 1422. Middle East Foundation.

Subtitle C—Restoring United States Moral Leadership

Sec. 1431. Advancing United States interests through public diplomacy.
Sec. 1432. Expansion of United States scholarship, exchange, and library programs in Arab and predominantly Muslim countries.
Sec. 1433. United States policy toward detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia
TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

SEC. 101. FIRST RESPONDERS HOMELAND SECURITY FUNDING.

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

(1) in section 1(b) in the table of contents by striking the items relating to the second title XVIII, as added by section 501(b)(3) of Public Law 109–347, and inserting the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

‘‘Sec. 1901. Domestic Nuclear Detection Office.
‘‘Sec. 1902. Mission of Office.
‘‘Sec. 1904. Testing authority.
‘‘Sec. 1905. Relationship to other Department entities and Federal agencies.
‘‘Sec. 1906. Contracting and grant making authorities.’’;

(2) by redesignating the second title XVIII, as added by section 501(a) of Public Law 109–347, as title XIX;

(3) in title XIX (as so redesignated)—

(A) by redesignating sections 1801 through 1806 as sections 1901 through 1906, respectively;
(B) in section 1904(a) (6 U.S.C. 594(a)), as so redesignated, by striking “section 1802” and inserting “section 1902”; and

(C) in section 1906 (6 U.S.C. 596), as so redesignated, by striking “section 1802(a)” each place it appears and inserting “section 1902(a)”;

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

“TITLE XX—FUNDING FOR FIRST RESPONDERS

“Sec. 2002. Faster and Smarter Funding for First Responders.
“Sec. 2003. Covered grant eligibility and criteria.
“Sec. 2005. Use of funds and accountability requirements.”;

and

(5) by adding at the end the following:

“TITLE XX—FUNDING FOR FIRST RESPONDERS

“SEC. 2001. DEFINITIONS.

“In this title:

“(1) COVERED GRANT.—The term ‘covered grant’ means any grant to which this title applies under section 2002.

“(2) DIRECTLY ELIGIBLE TRIBE.—The term ‘directly eligible tribe’ means any Indian tribe or consortium of Indian tribes that—
“(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

“(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

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

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

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

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

“(3) Elevations in the Threat Alert Level.—The term ‘elevations in the threat alert level’ means any designation (including those that are less than national in scope) that raises the
homeland security threat level to either the highest
or second highest threat level under the Homeland
Security Advisory System referred to in section
201(d)(7).

“(4) FIRST RESPONDER.—The term ‘first re-
ponder’ shall have the same meaning as the term
‘emergency response provider’.

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

“(6) REGION.—The term ‘region’ means—

“(A) any geographic area consisting of all
or parts of 2 or more contiguous States that
have a combined population of at least
1,650,000 or have an area of not less than
20,000 square miles, and that, for purposes of
an application for a covered grant, is rep-
resented by 1 or more governments or govern-
mental agencies within such geographic area,
and that is established by law or by agreement
of 2 or more such governments or governmental
agencies in a mutual aid agreement; or

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

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

“(ii) the incorporated municipalities,
counties, and parishes that they encom-

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

“(8) CAPABILITIES.—The term ‘capabilities’
shall have the same meaning that term has under
title VIII.
SEC. 2002. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

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

“(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

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

“(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

“(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:
“(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.


SEC. 2003. COVERED GRANT ELIGIBILITY AND CRITERIA.

“(a) GRANT ELIGIBILITY.—

“(1) STATE, REGION, OR DIRECTLY ELIGIBLE TRIBE.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant under
the programs referred to in paragraphs (1) and (3) of section 1802(a).

“(2) **HIGH-THREAT URBAN AREAS.**—Any urban area that is determined by the Secretary to be a high-threat urban areas shall be eligible to apply for a covered grant referred to in paragraph (2) of section 1802(a).

“(b) **GRANT CRITERIA.**—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the capabilities for terrorism preparedness established by the Secretary.

“(c) **SUBMISSION OF STATE PREPAREDNESS REPORT.**—

“(1) **SUBMISSION REQUIRED.**—The Secretary shall require that any State applying to the Secretary for a covered grant must submit State Preparedness Report specified in section 652(c) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

“(2) **CONSULTATION.**—The State report submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

“(d) **CONSISTENCY WITH STATE PLANS.**—
“(1) IN GENERAL.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security report or plan.

“(2) APPROVAL OF PLAN BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

“(3) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

“(e) APPLICATION FOR GRANT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, urban area, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

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

“(3) Availability of Funds.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

“(4) Minimum Contents of Application.— The Secretary shall require that each applicant include in its application, at a minimum—

“(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the capabilities for terrorism preparedness within the State, urban area, region, or directly eligible tribe to which the application pertains;

“(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2005(g)(1), would assist in fulfilling the capabilities for terrorism preparedness specified in such plan or plans;
“(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

“(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to local governments and Indian tribes;

“(E) if the applicant is a region—

“(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

“(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

“(iii) a designation of a specific individual to serve as regional liaison;

“(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

“(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and
“(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 2005(g)(2).

“(5) REGIONAL APPLICATIONS.—

“(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

“(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

“(ii) shall supplement and avoid duplication with such State application; and

“(iii) shall address the unique regional aspects of such region’s terrorism preparedness needs beyond those provided for in the application of such State or States.

“(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such
State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State’s homeland security plan and provides an explanation of the reasons therefor.

“(C) Distribution of Regional Awards.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: Provided, That in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

“(D) Certifications regarding Distribution of Grant Funds to Regions.—Any State that receives a regional award under
subsection (C) shall certify to the Secretary,
by not later than 30 days after the expiration
of the period described in subsection (C)
with respect to the grant, that the State has
made available to the region the required funds
and resources in accordance with subsection
(C).

“(E) DIRECT PAYMENTS TO REGIONS.—If
any State fails to pass through a regional
award to a region as required by subsection
(C) within 45 days after receiving such award
and does not request or receive an extension of
such period under section 2006(h)(2), the re-
gion may petition the Secretary to receive di-
rectly the portion of the regional award that is
required to be passed through to such region
under subsection (C).

“(F) REGIONAL LIAISONS.—A regional lia-
ison designated under paragraph (4)(E)(iii)
shall—

“(i) coordinate with Federal, State,
local, regional, and private officials within
the region concerning terrorism prepared-
ness;
“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region’s access to covered grants; and

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

“(6) TRIBAL APPLICATIONS.—

“(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

“(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the con-
sistency of the tribe’s application with the State’s homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

“(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

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

“(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

“(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe’s access to covered grants; and
“(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

“(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

“(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

“(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such
equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

“SEC. 2004. RISK-BASED EVALUATION AND PRIORITIZATION.

“(a) PRIORITIZATION OF GRANT APPLICATIONS.—

“(1) FACTORS TO BE CONSIDERED.—The Secretary shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Office of Intelligence Analysis and the Office of Infrastructure Protection of the threats of terrorism against the United States. In establishing criteria for evaluating and prioritizing applications for covered grants, the Secretary shall coordinate with the National Advisory Council established under section 508, the Director of the Federal Emergency Management Agency, the United States Fire Administrator, the Chief
Intelligence Officer of the Department, the Assistant Secretary for Infrastructure Protection, and other Department officials as determined by the Secretary.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

“(A) Agriculture and food.
“(B) Banking and finance.
“(C) Chemical industries.
“(D) The defense industrial base.
“(E) Emergency services.
“(F) Energy.
“(G) Government facilities.
“(H) Postal and shipping.
“(I) Public health and health care.
“(J) Information technology.
“(K) Telecommunications.
“(L) Transportation systems.
“(M) Water.
“(N) Dams.
“(O) Commercial facilities.
“(P) National monuments and icons.
The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

“(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

“(A) Biological threats.
“(B) Nuclear threats.
“(C) Radiological threats.
“(D) Incendiary threats.
“(E) Chemical threats.
“(F) Explosives.
“(G) Suicide bombers.
“(H) Cyber threats.
“(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.
“(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Secretary shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

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

“(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

“(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that
meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

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

“(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes or does not approve at least one such application.
“(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

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

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

“(b) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 2003(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (a)(5) of this section.

“(c) RELATIONSHIP TO OTHER PROGRAMS.—This section shall be carried out in consultation with the Secretary of Health and Human Services. Nothing in this section affects the scope of authority of the Secretary of Health and Human Services, including such authority under the Public Health Service Act.

“SEC. 2005. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

“(a) IN GENERAL.—A covered grant may be used for—
“(1) purchasing or upgrading equipment, including computer hardware and software, to enhance terrorism preparedness;

“(2) exercises to strengthen terrorism preparedness;

“(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

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

“(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

“(7) additional personnel costs resulting from—

“(A) elevations in the threat alert level of the Homeland Security Advisory System by the
Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(D) the hiring of staff to serve as intelligence analysts to strengthen information and intelligence sharing capabilities;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices that are constructed consistent with the requirements of section 6(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9), except that the cost of such measures may not exceed the greater of—

“(A) $1,000,000 per project; or
“(B) such greater amount as may be approved by the Secretary, which may not exceed
10 percent of the total amount of the covered grant;

“(10) the costs of commercially available interoperable communications equipment (that, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Assistant Secretary for Emergency Communications, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

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

“(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

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

“(14) Public safety answering points;

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

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

“(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

“(1) to supplant State or local funds;

“(2) to construct buildings or other physical facilities;

“(3) to acquire land; or

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

“(c) INTELLIGENCE ANALYSTS.—An individual hired to serve as an intelligence analyst under subsection (a)(7)(D) must meet at least one of the following criteria:

“(1) The individual has successfully completed training that meets the standards of the International Association of Law Enforcement Intelligence Analysts to ensure baseline proficiency in intelligence analysis and production.
“(2) The individual has previously served in a Federal intelligence agency as an intelligence analyst for at least two years.

“(d) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Secretary.

“(e) REIMBURSEMENT OF COSTS.—

“(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any ac-
tivity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

“(f) Assistance Requirement.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

“(g) Flexibility in Unspent Homeland Security Grant Funds.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

“(h) State, Regional, and Tribal Responsibilities.—

“(1) Pass-through.—The Secretary shall require a recipient of a covered grant that is a State
to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) COST SHARING.—

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

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

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

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

“(4) Quarterly report on homeland secu-
ri ty spending.—The Federal share described in
paragraph (2)(A) may be increased by up to 2 per-
cent for any State, region, or directly eligible tribe
that, not later than 30 days after the end of each
fiscal quarter, submits to the Secretary a report on
that fiscal quarter. Each such report must include,
for each recipient of a covered grant or a pass-
through under paragraph (1)—

•HR 1 IH
“(A) the amount obligated to that recipient in that quarter;

“(B) the amount expended by that recipient in that quarter; and

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

“(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

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

“(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrange-
ments that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

“(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

“(D) The extent to which capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

“(E) The extent to which capabilities identified in the applicable State homeland security plan or plans remain unmet.

“(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

“(i) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

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

“(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient’s use of funds under the grant, which may include—

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

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or
“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

“(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2003(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities’ terrorism preparedness efforts.

“(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—
“(A) IN GENERAL.—The Secretary may
upon request by a local government pay to the
local government a portion of the amount of a
covered grant awarded to a State in which the
local government is located, if—

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

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

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

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

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

“(ii) it was intended by the grantee to
receive a severable portion of the overall
grant for a specific purpose that is identi-
fied in the grant application;
“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

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

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

“(i) shall not affect any payment to another local government under this paragraph; and

“(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

“(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.
“(j) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by January 31 of each year covering the preceding fiscal year—

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

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

“(3) describing—

“(A) the Nation’s progress in achieving, maintaining, and enhancing the capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

“(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.”.
TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

SEC. 201. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

(a) Establishment.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

“SEC. 522. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

“(a) Establishment.—The Secretary, acting through the Director of the Office of Grants and Training and in coordination with the Director for Emergency Communications, shall establish the Improve Communications for Emergency Response Grant Program to make grants to States and regions to carry out initiatives to improve interoperable emergency communications, including initiatives to achieve solutions to statewide, regional, national, and, where appropriate, international interoperability.

“(b) Use of Grant Funds.—A State or region receiving a grant under this section may use the grant for short-term or long-term goals for improving interoperable emergency communications, including interoperability within that State or region, and to assist with—
“(1) statewide or regional communications planning;

“(2) design and engineering for interoperable emergency communications systems;

“(3) procurement and installation of interoperable emergency communications equipment;

“(4) interoperable emergency communications exercises;

“(5) modeling and simulation exercises for operational command and control functions;

“(6) technical assistance and training for interoperable emergency communications; and

“(7) other activities determined by the Secretary to be integral to interoperable emergency communications.

“(c) REGION DEFINED.—For the purposes of this section, the term ‘region’ means any combination of contiguous local government units, including such a combination established by law or mutual aid agreement between two or more local governments or governmental agencies.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for grants under section 522 of the Homeland Security Act of 2002, as added by subsection (a)—
(1) such sums as may be necessary for the first fiscal year that begins after the later of—

(A) the date on which the Secretary of Homeland Security completes and submits to Congress the National Emergency Communications Plan required under section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572);

(B) the date on which the Secretary of Homeland Security completes and submits to Congress the first baseline interoperability assessment required under section 1803 of such Act (6 U.S.C. 573); or

(C) the date on which the Secretary of Homeland Security, after consultation with the Director of Emergency Communications, determines and notifies Congress that substantial progress has been made towards the development and promulgation of voluntary consensus-based interoperable communications standards pursuant to section 1801(c)(11) of such Act (6 U.S.C. 571(c)(11)); and

(2) such sums as may be necessary for each subsequent fiscal year.
(c) Clerical Amendment.—The table of contents in section 1(b) of that Act is amended by inserting after the item relating to section 521 the following:

“Sec. 522. Improve Communications for Emergency Response Grant Program.”

TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

SEC. 301. NATIONAL EXERCISE PROGRAM DESIGN.

Section 648(b)(2)(A) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking clauses (iv) and (v) and inserting the following:

“(iv) designed to provide for systematic evaluation of readiness and enhance operational understanding of the Incident Command System and relevant mutual aid agreements;

“(v) designed to address the unique requirements of populations with special needs; and

“(vi) designed to include the prompt development of after-action reports and plans for quickly incorporating lessons learned into future operations; and”.
SEC. 302. NATIONAL EXERCISE PROGRAM MODEL EXERCISES.

Section 648(b)(2)(B) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking so much as precedes clause (i) and inserting the following:

“(B) shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use, and shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises, whether a model exercise program or an exercise designed locally, that—”.

SEC. 303. RESPONSIBILITIES OF REGIONAL ADMINISTRATORS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 507(c)(2) of the Homeland Security Act of 2002 (enacted by section 611 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295)) is amended by striking “and” after the semicolon at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (J) the following:

“(I) assisting State, local, or tribal governments, where appropriate, to pre-identify and evaluate suitable sites where a multi-jurisdictic-
tional unified command system can be quickly established if the need for such a system arises; and”.

**TITLE IV—STRENGTHENING AVIATION SECURITY**

**SEC. 401. INSTALLATION OF IN-LINE BAGGAGE SCREENING EQUIPMENT.**

Not later than 30 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary’s analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.

**SEC. 402. AVIATION SECURITY CAPITAL FUND.**

(a) **In General.**—Section 44923(h)(1) of title 49, United States Code, is amended in the second sentence by striking “2007” and inserting “2011”.

(b) **Discretionary Grants.**—Section 44923(h)(3) of such title is amended by striking “for a fiscal year, $125,000,000” and inserting “, $125,000,000 for each of fiscal years 2004, 2005, and 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011”.
SEC. 403. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DETECTION.

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting ‘‘, other than subsection (i),’’ before ‘‘except to’’; and

(2) by adding at the end the following:

‘‘(i) CHECKPOINT SCREENING SECURITY FUND.—

‘‘(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the ‘Checkpoint Screening Security Fund’.

‘‘(2) DEPOSITS.—In fiscal year 2008, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

‘‘(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2008 for deposit into the Fund.

‘‘(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended for the research, development, purchase, deployment, and installation of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.’’.
SEC. 404. STRENGTHENING EXPLOSIVE DETECTION AT AIRPORT SCREENING CHECKPOINTS.

Not later than 7 days after the date of enactment of this Act, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees the strategic plan described in the section amended by section 4013(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3719).

SEC. 405. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.


SEC. 406. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

“(g) AIR CARGO ON PASSENGER AIRCRAFT.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the
Secretary of Homeland Security shall establish a system to inspect 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

“(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, and personnel are used to inspect cargo carried on passenger aircraft to provide a level of security equivalent to the level of security for the inspection of passenger checked baggage as follows:

“(A) 35 percent of such cargo is so inspected by the end of fiscal year 2007.

“(B) 65 percent of such cargo is so inspected by the end of fiscal year 2008.

“(C) 100 percent of such cargo is so inspected by the end of fiscal year 2009.

“(3) REGULATIONS.—

“(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.
“(B) Final rule.—

“(i) In general.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than one year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

“(ii) Failure to act.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the interim final rule issued under subparagraph (A) shall not be effective after the last day of such period.

“(iii) Superseding of interim final rule.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

“(4) Report.—Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall transmit to Congress a report that describes the system.”
(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report regarding an assessment of each exemption granted for inspection of air cargo and an analysis to assess the risk of maintaining such exemption.

(B) CONTENTS.—The report referred to in subparagraph (A) shall include—

(i) the rationale for each exemption;

(ii) what percentage of cargo is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating each exemption, respectively, should the Secretary choose to take such action; and

(v) plans and rationale for maintaining, changing, or eliminating each exemption.
(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 407. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.) is amended by adding at the end the following:

“SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

“(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

“(b) OFFICE OF APPEALS AND REDRESS.—
“(1) Establishment.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

“(2) Records.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

“(3) Information.—To prevent repeated delays of a misidentified passenger or other individual, the Office of Appeals and Redress shall—

“(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

“(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their
administration of the advanced passenger
prescreening system and reduce the number of
false positives.

“(4) INITIATION OF APPEAL AND REDRESS
PROCESS AT AIRPORTS.—The Office of Appeals and
Redress shall establish at each airport at which the
Department has a significant presence a process to
allow air carrier passengers to begin the appeals
process established pursuant to subsection (a) at the
airport.”.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of such Act is amended by inserting after
the item relating to section 430 the following:

“Sec. 432. Appeal and redress process for passengers wrongly delayed or pro-
hibited from boarding a flight.”.

SEC. 408. TRANSPORTATION SECURITY ADMINISTRATION
PERSONNEL MANAGEMENT.

(a) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT
AUTHORITIES.—Effective 90 days after the date of
the enactment of this Act—

(1) section 111(d) of the Aviation and Trans-
portation Security Act (49 U.S.C. 44935 note) is re-
pealed and any authority of the Secretary of Home-
land Security derived from such section 111(d) shall
terminate;
(2) any personnel management system, to the extent established or modified pursuant to such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in subsection (e)(1) or (e)(2).

(b) Establishment of Certain Uniformity Requirements.—

(1) System under subsection (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) System under subsection (e)(1).—Section 9701(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and
(C) by adding at the end the following new paragraph:

“(6) provide for the uniform treatment of all TSA employees (as defined in section 408(d) of the Implementing the 9/11 Commission Recommendations Act of 2007).”.

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take effect 90 days after the date of the enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect 90 days after the date of the enactment of this Act or, if later, the commencement date of the system involved.

(e) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Government Accountability Office shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on
Homeland Security and Governmental Affairs of the Senate a report on—

(A) the pay system that applies with respect to TSA employees as of the date of the enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Government Accountability Office considers appropriate.

(d) TSA EMPLOYEE DEFINED.—In this section, the term "TSA employee" means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department of
Homeland Security by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department of Homeland Security the duties and responsibilities of which include carrying out one or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(e) Personnel Management System Described.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees by virtue of section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

SEC. 409. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

Not later than 90 days after the date of the enactment of the Act, the Secretary of Homeland Security shall submit to Congress a plan that—
(1) describes the system to be utilized for the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Assistant Secretary of Homeland Security (Transportation Security Administration), to the automatic selectee and no fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passenger on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. 501. REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES.

(a) Requirements.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:
“(c) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

“(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

“(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary; and

“(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B), before the container is loaded on the vessel for shipment to the United States.

“(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

“(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

“(B) SEALS.—The Secretary shall establish standards for seals required to be used
under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

“(C) REVIEW AND REVISION.—The Secretary shall—

“(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years; and

“(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available, to—

“(I) identify the place of a breach into a container;

“(II) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

“(III) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.
“(D) DEFINITION.—In subparagraph (C), the term ‘Exclusive Economic Zone of the United States’ has the meaning given the term ‘Exclusive Economic Zone’ in section 2101(10a) of this title.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.

(c) REGULATIONS; APPLICATION.—

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231 of the SAFE Port Act (Public Law 109–347), the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231 of the SAFE Port Act, without regard to the provisions of chapter 5 of title 5, United States Code.
(B) Final rule.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the submission of the report under section 231 of the SAFE Port Act, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) Phased-in application.—

(A) In general.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

(i) the end of the 3-year period begin-
ning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers
were loaded on vessels for shipping to the
United States in 2005; and

(ii) the end of the 5-year period begin-
ning on the date of the enactment of this
Act, in the case of a container loaded on
a vessel destined for the United States in
any other country.

(B) EXTENSION.—The Secretary may ex-
tend by up to one year the period under clause
(i) or (ii) of subparagraph (A) for containers
loaded in a port, if the Secretary—

(i) finds that the scanning equipment
required under section 70116(c) of title 46,
United States Code, as added by sub-
section (a) of this section, is not available
for purchase and installation in the port;

and

(ii) at least 60 days prior to issuing
such extension, transmits such finding to
the appropriate congressional committees.

(d) INTERNATIONAL CARGO SECURITY STAND-
ARDS.—The Secretary, in consultation with the Secretary
of State, is encouraged to promote and establish inter-
national standards for the security of containers moving
through the international supply chain with foreign gov-
ernments and international organizations, including the
International Maritime Organization and the World Cus-
toms Organization.

(e) INTERNATIONAL TRADE AND OTHER OBLIGA-
TIONS.—In carrying out section 70116(c) of title 46,
United States Code, as added by subsection (a) of this
section, the Secretary shall consult with appropriate Fed-
eral departments and agencies and private sector stake-
holders to ensure that actions under such section do not
violate international trade obligations or other inter-
national obligations of the United States.

TITLE VI—STRENGTHENING EF-
FORTS TO PREVENT TER-
RORIST TRAVEL

Subtitle A—Human Smuggling and
Trafficking Center Improvements

SEC. 601. STRENGTHENING THE CAPABILITIES OF THE
HUMAN SMUGGLING AND TRAFFICKING CEN-
TER.

(a) IN GENERAL.—The Secretary, acting through the
Assistant Secretary of Homeland Security for United
States Immigration and Customs Enforcement, shall pro-
vide to the Human Smuggling and Trafficking Center (in
this section referred to as the “Center”) the administra-
tive support and funding required for its maintenance, in-
including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its mission.

(b) STAFFING OF THE CENTER.—

(1) IN GENERAL.—Funding provided under subsection (a) shall be used for the hiring of for not fewer than 30 full-time equivalent staff for the Center, to include the following:

(A) One Director.

(B) One Deputy Director for Smuggling.

(C) One Deputy Director for Trafficking.

(D) One Deputy Director for Terrorist Travel.

(E) Not fewer than 15 intelligence analysts or Special Agents, to include the following:

(i) Not fewer than ten such analysts or Agents shall be intelligence analysts or law enforcement agents who shall be detailed from entities within the Department of Homeland Security with human smuggling and trafficking related responsibilities, as determined by the Secretary.

(ii) Not fewer than one full time professional staff detailee from each of the United States Coast Guard, United States
Immigration and Customs Enforcement,
United States Customs and Border Protection, Transportation Security Administra-
tion, and the Office of Intelligence and Analysis.

(2) REQUIREMENTS.—Intelligence analysts or Special Agents detailed to the Center under para-
graph (1)(E) shall have at least three years experi-
ence related to human smuggling or human traff-
ficking.

(3) DURATION OF ASSIGNMENT.—An intel-
ligence analyst or Special Agent detailed to the Cen-
ter under paragraph (1)(E) shall be detailed for a period of not less than two years.

(c) FUNDING REIMBURSEMENT.—In operating the Center, the Secretary of Homeland Security shall act in accordance with all applicable requirements of the Econ-
omy Act (31 U.S.C. 1535), and shall seek reimbursement from the Attorney General and the Secretary of State, in such amount or proportion as is appropriate, for costs as-
sociated with the participation of the Department of Jus-
tice and the Department of State in the operation of the Center.
(d) Development of Plan.—The Secretary of Homeland Security shall develop a plan for the Center that—

(1) defines the roles and responsibilities of each Department participating in the Center;

(2) describes how the Department of Homeland Security shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;

(3) describes the mechanism for the sharing of information from United States Immigration and Customs Enforcement and United States Customs and Border Protection field offices to the Center;

(4) describes the mechanism for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458);

(5) establishes reciprocal security clearance status to other participating agencies in the Center in order to ensure full access to necessary databases;

(6) establishes or consolidates networked systems for the Center; and
(7) ensures that the assignment of personnel to the Center from agencies of the Department of Homeland Security is incorporated into the civil service career path of such personnel.

(c) Memorandum of Understanding.—The Secretary of Homeland Security shall execute with the Attorney General a Memorandum of Understanding in order to clarify cooperation and coordination between United States Immigration and Customs Enforcement and the Federal Bureau of Investigation regarding issues related to human smuggling, human trafficking, and terrorist travel.

(f) Coordination with the Office of Intelligence and Analysis.—The Office of Intelligence and Analysis, in coordination with the Center, shall submit to Federal, State, local, and tribal law enforcement and other relevant agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.
Subtitle B—International Collaboration to Prevent Terrorist Travel

SEC. 611. REPORT ON INTERNATIONAL COLLABORATION TO INCREASE BORDER SECURITY, ENHANCE GLOBAL DOCUMENT SECURITY, AND EXCHANGE TERRORIST INFORMATION.

(a) Report Required.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in conjunction with the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on efforts of the Government of the United States to collaborate with international partners and allies of the United States to increase border security, enhance global document security, and exchange terrorist information.

(b) Contents.—The report required by subsection (a) shall outline—

(1) all presidential directives, programs, and strategies for carrying out and increasing United States Government efforts described in subsection (a);
(2) the goals and objectives of each of these efforts;
(3) the progress made in each of these efforts; and
(4) the projected timelines for each of these efforts to become fully functional and effective.

(c) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and
(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

Subtitle C—Biometric Border Entry and Exit System

SEC. 621. SUBMITTAL OF PLAN ON BIOMETRIC ENTRY AND EXIT VERIFICATION SYSTEM IMPLEMENTATION.

Not later than 7 days after the date of the enactment of this Act, the Secretary for Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary and the Committee on Home-
land Security and Governmental Affairs and the Committee on the Judiciary of the Senate the plan developed by the Secretary under section 7208(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(c)(2)) to accelerate the full implementation of an automated biometric entry and exit data system.

TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program

SEC. 701. FINDINGS.

Congress finds the following:

(1) The intelligence component of a State, local, or regional fusion center (in this title referred to generally as “fusion centers”) focuses on the intelligence process, in which information is collected, integrated, evaluated, analyzed, and disseminated. The Federal Government and nontraditional sources of intelligence information—such as public safety entities at the State, local, and tribal levels, and private
sector organizations—all possess valuable information that when “fused” with law enforcement data and properly analyzed at fusion centers can provide law enforcement officers with specific and actionable intelligence about terrorist and related criminal activity.

(2) Participation by local and tribal law enforcement officers and intelligence analysts in fusion centers helps secure the homeland by involving such officers and analysts in the intelligence process on a daily basis, by helping them build professional relationships across every level and discipline of government and the private sector, and by ensuring that intelligence and other information, including threat assessment, public safety, law enforcement, public health, social service, and public works, is shared throughout and among relevant communities. Such local and tribal participation in fusion centers supports the efforts of all law enforcement agencies and departments to anticipate, identify, monitor, and prevent terrorist and related criminal activity.

(3) Some local and tribal law enforcement agencies and departments, however, lack resources to participate fully in fusion centers.
(4) Needs-based grant funding will maximize the participation of local and tribal law enforcement agencies and departments in fusion centers by reducing the costs associated with detailing officers and intelligence analysts to fusion centers. Consequently, such grant funding will not only promote the development of more effective, resourceful, and situationally aware fusion centers, but will also advance the cause of homeland security.

SEC. 702. FLEET GRANT PROGRAM.

(a) In general.—Subtitle A of title II of the Homeland Security Act of 2002 is further amended by adding at the end the following new section:

"SEC. 203. FLEET GRANT PROGRAM.

"(a) Implementation Plan and Establishment.—

"

"(1) Implementation plan.—Not later than 90 days after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Fusion and Law Enforcement Education and Teaming Grant Program (in this section referred to as the ‘FLEET Grant program’) implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the
Secretary shall consult with the Attorney General, the Bureau of Justice Assistance, and the Office of Community Oriented Policing of the Department of Justice and shall encourage the participation of fusion centers and local and tribal law enforcement agencies and departments in the development of such plan. Such plan shall include—

“(A) a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

“(B) an identification of program stakeholders and an assessment of their interests in and expectations for the program;

“(C) a developed set of quantitative metrics to measure, to the extent possible, program output; and

“(D) a developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stakeholders believe their needs and expectations are being met by the program.

“(2) ESTABLISHMENT.—Not later than 180 days after the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall implement and carry out a FLEET
Grant program under which the Secretary, in consultation with the Attorney General, shall make grants to local and tribal law enforcement agencies and departments specified by the Secretary, in consultation with the Attorney General, for the purposes described in subsection (b). Subject to subsection (g), each such grant shall be made for a two-year period.

“(b) USE OF GRANT AMOUNTS.—

“(1) IN GENERAL.—A grant made to a local or tribal law enforcement agency or department under subsection (a) shall be used to enable such agency or department to detail eligible law enforcement personnel to participate in a fusion center that serves the geographic area in which such agency or department is located, and may be used for the following purposes:

“(A) To hire new personnel, or to pay existing personnel, to perform the duties of eligible law enforcement personnel who are detailed to a fusion center during the absence of such detailed personnel.

“(B) To provide appropriate training, as determined and required by the Secretary, in consultation with the Attorney General, for eli-
gible law enforcement personnel who are de-
tailed to a fusion center.

“(C) To establish communications
connectivity between eligible law enforcement
personnel who are detailed to a fusion center
and the home agency or department of such
personnel in accordance with all applicable laws
and regulations.

“(2) Mandatory privacy and civil lib-
erties training.—All eligible law enforcement per-
sonnel detailed to a fusion center under the FLEET
Grant Program shall undergo appropriate privacy
and civil liberties training that is developed, sup-
ported, or sponsored by the Privacy Officer and the
Officer for Civil Rights and Civil Liberties in part-
nership with the Privacy and Civil Liberties Over-
sight Board.

“(3) Limitation.—A local or tribal law en-
forcement agency or department participating in the
FLEET Grant program shall continue to provide a
salary and benefits to any eligible law enforcement
personnel detailed to a fusion center, in the same
amounts and under the same conditions that such
agency or department provides a salary and benefits
to such personnel when not detailed to a fusion cen-
ter. None of the funds provided by the FLEET grant program may be used to carry out this paragraph.

“(4) Eligible law enforcement personnel defined.—For purposes of this section, the term ‘eligible law enforcement personnel’ means any local or tribal law enforcement officer or intelligence analyst who meets each eligibility requirement specified by the Secretary. Such eligibility requirements shall include a requirement that the officer or analyst has at least two years of experience as a law enforcement officer or intelligence analyst with the local or tribal law enforcement agency or department selected to participate in the FLEET Grant program.

“(c) Applications.—

“(1) In general.—No grant may be made under subsection (a) unless an application for such grant has been submitted to, and approved by, the Secretary, in consultation with the Attorney General. Such an application shall be submitted in such form, manner, and time, and shall contain such information, as the Secretary, in consultation with the Attorney General, may prescribe by regulation or guidelines.
“(2) JOINT APPLICATIONS.—A local or tribal law enforcement agency or department may file a joint grant application to detail eligible law enforcement personnel to a fusion center. Such application shall be—

“(A) for a single detailed officer or intelligence analyst, who shall be detailed to work at a fusion center on a full-time basis; or

“(B) in the case of participating local and tribal law enforcement agencies or departments for which a detail arrangement described in subparagraph (A) is likely to result in hardship due to a staffing shortage (as determined by the Secretary, in consultation with the Attorney General), for several eligible law enforcement personnel from multiple local or tribal law enforcement agencies or departments in the same geographic area, who shall be detailed to a fusion center, each on a part-time basis, as part of a shared detail arrangement, as long as—

“(i) any hours worked by a detailed officer or analyst at a fusion center in a shared detail arrangement shall be counted toward the hourly shift obligations of such officer or analyst at his or her local or
tribal law enforcement agency or depart-
ment; and

“(ii) no detailed officer or analyst
working at a fusion center in a shared de-
tail arrangement shall be required to regu-
larly work more hours than the officer or
analyst would otherwise work if the officer
or analyst was not participating in the
shared detail arrangement.

“(d) DISTRIBUTION OF GRANTS.—In considering ap-
plications for grants under subsection (a), the Secretary,
in consultation with the Attorney General, shall ensure
that, to the extent practicable—

“(1) entities that receive such grants are rep-
resentative of a broad cross-section of local and trib-
al law enforcement agencies and departments;

“(2) an appropriate geographic distribution of
grants is made among urban, suburban, and rural
communities; and

“(3) such grants are awarded based on consid-
eration of any assessments of risk by the Depart-
ment of Homeland Security.

“(e) PRIORITY.—The Secretary, in consultation with
the Attorney General, shall issue regulations regarding the
use of a sliding scale based on financial need to ensure
that a local or tribal law enforcement agency or department that is eligible to receive a grant under subsection (a) and that demonstrates to the satisfaction of the Secretary, in consultation with the Attorney General, that it is in financial need (as determined by the Secretary, in consultation with the Attorney General) receives priority in receiving funds under this section.

“(f) Matching Funds.—

“(1) In general.—Subject to paragraph (2), the portion of the costs of a program, project, or activity funded by a grant made to an entity under subsection (a) may not exceed 80 percent.

“(2) Exception.—The Secretary, in consultation with the Attorney General, may waive, wholly or in part, the requirement under paragraph (1) of a non-Federal contribution to the costs of a program, project, or activity if the entity receiving the grant for such program, project, or activity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, that it would be a hardship for such entity to satisfy such requirement.

“(g) Renewal of Grants.—A grant made to a local or tribal law enforcement agency or department under subsection (a) may be renewed on an annual basis for an
additional year after the first two-year period during which the entity receives its initial grant, if—

“(1) the entity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, significant progress in achieving the objectives of the application for the initial grant involved; and

“(2) such renewal would not prevent another local or tribal law enforcement agency or department that has applied for a grant under subsection (a), has not previously received such a grant, and that would otherwise qualify for such a grant, from receiving such a grant, as determined by the Secretary, in consultation with the Attorney General.

“(h) ReVOCATION OR SUSPENSION OF FUNDING.—If the Secretary, in consultation with the Attorney General, determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under subsection (c), the Secretary, in consultation with the Attorney General, may revoke or suspend funding of that grant, in whole or in part. In the case of a revocation or suspension of funds under this subsection based on a determination of fraud, waste, or abuse, with respect to a grant recipient, such grant recipient shall be required
to refund the grant funds received under subsection (a) that are related to such fraud, waste, or abuse, respectively.

“(i) REPORTS.—

“(1) REPORTS TO SECRETARY.—Each local or tribal law enforcement agency or department that receives a grant under subsection (a) shall submit to the Secretary and the Attorney General a report for each year such agency or department is a recipient of such grant. Each such report shall include a description and evaluation of each program, project, or activity funded by such grant.

“(2) REPORT TO CONGRESS.—One year after the date of the implementation of the FLEET grant program, and biannually thereafter, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a report describing the implementation and progress of the FLEET Grant Program. Each such report shall include the following:

“(A) A list of the local and tribal law enforcement agencies and departments receiving grants.

“(B) Information on the grant amounts awarded to each such agency or department.
“(C) Information on the programs, projects, and activities for which the grant funds are used.

“(D) An evaluation of the effectiveness of the FLEET Grant program with respect to the cause of advancing homeland security, including—

“(i) concrete examples of enhanced information sharing and a description of any preventative law enforcement actions taken based on such information sharing;

“(ii) an evaluation of the effectiveness of the detail arrangements with FLEET Grant program grant recipients;

“(iii) an evaluation of how the FLEET Grant program benefits the fusion centers;

“(iv) a description of how individual law enforcement officers and intelligence analysts detailed to the fusion centers benefit from the detail experience; and

“(v) an evaluation of how the detail of the law enforcement officers and intelligence analysts assists the fusion centers in learning more about criminal or ter-
rorist organizations operating within their areas of operation, including a description of any homeland security information requirements that were developed, or any homeland security information gaps that were filled, as a result of the detail arrangement.

“(E) An analysis of any areas of need, with respect to the advancement of homeland security, that could be addressed through additional funding or other legislative action.

“(j) CUSTOMER SATISFACTION SURVEYS.—The Secretary, in consultation with the Attorney General, shall create a mechanism for State, local, and tribal law enforcement officers and intelligence analysts who participate in the FLEET Grant program to fill out an electronic customer satisfaction survey, on an appropriate periodic basis, to assess the effectiveness of the FLEET Grant program with respect to improving information sharing. The results of these voluntary surveys shall be provided electronically to appropriate personnel at the Office of Grants and Training of the Department and at the Bureau of Justice Assistance and the Office of Community Oriented Policing of the Department of Justice. The results of these customer satisfaction surveys shall also be included in an
appropriate format in the reports described in subsection (i).

“(k) CONTINUATION ASSESSMENT.—Five years after the date of the implementation of the FLEET Grant program, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a FLEET Grant program continuation assessment. Such continuation assessment shall—

“(1) recommend whether Congress should continue to authorize and fund the FLEET Grant program (as authorized under this section or with proposed changes), and provide the reasoning for such recommendation; and

“(2) if the Secretary recommends the continuation of the FLEET Grant program—

“(A) recommend any changes to the program which the Secretary, in consultation with the Attorney General, has identified as necessary to improve the program, and the reasons for any such changes;

“(B) list and describe legislative priorities for Congress relating to the continuation of the program; and

“(C) provide recommendations for the amounts of funding that should be appropriated
for the continuation of the program in future fiscal years, including justifications for such amounts.

“(l) General Regulatory Authority.—The Secretary, in consultation with the Attorney General, may promulgate regulations and guidelines to carry out this section.

“(m) Definitions.—For the purposes of this section:

“(1) The term ‘local law enforcement agency or department’ means a local municipal police department or a county sheriff’s office in communities where there is no police department.

“(2) The term ‘tribal law enforcement agency or department’ means the police force of an Indian tribe (as such term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) established and maintained by such a tribe pursuant to the tribe’s powers of self-government to carry out law enforcement.”.

(b) Definition of Fusion Center.—Section 2 of such Act is amended by adding at the end the following new paragraph:

“(17) The terms ‘State, local, or regional fusion center’ and ‘fusion center’ mean a State intelligence
center or a regional intelligence center that is the product of a collaborative effort of at least two qualifying agencies that provide resources, expertise, or information to such center with the goal of maximizing the ability of such intelligence center and the qualifying agencies participating in such intelligence center to provide and produce homeland security information required to detect, prevent, apprehend, and respond to terrorist and criminal activity. For purposes of the preceding sentence, qualifying agencies include—

“(A) State, local, and tribal law enforcement authorities, and homeland and public safety agencies;

“(B) State, local, and tribal entities responsible for the protection of public health and infrastructure;

“(C) private sector owners of critical infrastructure, as defined in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

“(D) Federal law enforcement and homeland security entities; and
“(E) other appropriate entities specified by the Secretary.”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 202 the following:

“Sec. 203. FLEET Grant Program.”.

Subtitle B—Border Intelligence
Fusion Center Program

SEC. 711. FINDINGS.

Congress finds the following:

(1) The United States has 216 airports, 143 seaports, and 115 official land border crossings that are official ports of entry. Screening all the people and goods coming through these busy ports is an enormous resource challenge for the men and women of the Department of Homeland Security (“Department”).

(2) Department personnel, including personnel from the Bureau of Customs and Border Protection (“CBP”) and U.S. Immigration and Customs Enforcement (“ICE”), cannot be everywhere at all times to ensure that terrorists, weapons of mass destruction, and other related contraband are not being smuggled across the border in order to support attacks against the United States.
(3) State, local, and tribal law enforcement personnel are uniquely situated to help secure the border areas in their respective jurisdictions by serving as “force multipliers”. To do so, however, law enforcement officers need access to available border intelligence developed by the Department. Such access shall help State, local, and tribal law enforcement personnel deploy their resources most effectively to detect and interdict terrorists, weapons of mass destruction, and related contraband at United States borders.

(4) The Department has not yet developed a single, easily accessible, and widely available system to consistently share border intelligence and other information with its State, local, and tribal law enforcement partners. It likewise has failed to establish a process by which State, local, and tribal law enforcement personnel can consistently share with the Department information that they obtain that is relevant to border security.

(5) As a result, State, local, and tribal law enforcement personnel serving jurisdictions along the northern and southern borders typically depend upon personal relationships with CBP and ICE personnel in their respective jurisdictions to get the in-
formation they need. While personal relationships
have helped in some locales, they have not in others.
This has led to an inconsistent sharing of border in-
telligence from jurisdiction to jurisdiction.

(6) State, local, and regional fusion centers
(“fusion centers”) may help improve this situation.

(7) In the wake of the terrorist attacks of Sep-
tember 11, 2001, numerous State, local, and tribal
authorities responsible for the protection of the pub-
lic and critical infrastructure established fusion cen-
ters to help prevent terrorist attacks while at the
same time preparing to respond to and recover from
a terrorist attack should one occur.

(8) Most border States have some variation of
a fusion center.

(9) In general, while the Federal Government
has helped to establish fusion centers through the
Department’s grants, a substantial percentage of the
financial burden to support ongoing fusion center
operations is borne by States and localities.

(10) The Department, and in particular, the
Department’s Office of Intelligence and Analysis,
has undertaken a program through which it sends
such office’s personnel to fusion centers to establish
a Department presence at those centers. In so doing,
the hope is that such personnel will serve as a point of contact for information being shared at fusion centers by State, local, and tribal law enforcement personnel. Personnel at fusion centers hopefully will also act as a channel for information being shared by the Department itself.

(11) Border State, local, and tribal law enforcement officers anticipate that fusion centers will be a critical source of border intelligence from the Department. While the Department’s border intelligence products generated in the District of Columbia and disseminated to fusion centers will undoubtedly be helpful, a far richer source of border intelligence will likely come from CBP and ICE personnel working locally in border jurisdictions themselves.

(12) Establishing a CBP and ICE presence at border State fusion centers will help ensure the most consistent, timely, and relevant flow of border intelligence to and from the Department and State, local, and tribal law enforcement in border communities. Border State fusion centers thus could serve as a tool to build upon the personal relationships and information sharing that exists in some, but not all,
jurisdictions between CBP, ICE, and State, local, and tribal law enforcement.

SEC. 712. ESTABLISHMENT OF BORDER INTELLIGENCE FUSION CENTER PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

“SEC. 204. BORDER INTELLIGENCE FUSION CENTER PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Department the Border Intelligence Fusion Center Program, to be administered by the Under Secretary for Intelligence and Analysis, for the purpose of stationing Bureau of Customs and Border Protection and U.S. Immigration and Customs Enforcement officers or intelligence analysts in the fusion centers of participating border States.

“(2) NEW HIRES.—Funding provided under the Border Intelligence Fusion Center Program shall be available to hire new CBP and ICE officers or intelligence analysts to replace CBP and ICE officers or intelligence analysts who are stationed at border State fusion centers under this section.

“(b) PARTICIPATION.—
“(1) IN GENERAL.—The Secretary may develop qualifying criteria for a border state fusion center’s participation in the Border Intelligence Fusion Center Program.

“(2) CRITERIA.—Such criteria may include the following:

“(A) Whether the center focuses on a broad counterterrorism and counter-criminal approach, and whether that broad approach is pervasive through all levels of the organization.

“(B) Whether the center has sufficient numbers of adequately trained personnel to support a broad counterterrorism and counter-criminal mission.

“(C) Whether the center has access to relevant law enforcement, private sector, open source, and national security data, as well as the ability to share and analytically exploit such data for actionable ends in accordance with all applicable laws and regulations.

“(D) The entity or entities providing financial support for the center’s funding.

“(E) Whether the center’s leadership is committed to the fusion center’s mission, and how the leadership sees the center’s role in ter-
rorism prevention, mitigation, response, and re-
covery.

“(c) ASSIGNMENT.—Wherever possible, not fewer
than one CBP officer or intelligence analyst and one ICE
officer or intelligence analyst shall be stationed at each
participating border State fusion center.

“(d) PREREQUISITE.—

“(1) PRIOR WORK EXPERIENCE IN AREA.—To
be stationed at a border State fusion center under
this section, a CBP or ICE officer shall have served
as a CBP or ICE officer in the State in which the
fusion center where such officer shall be stationed is
located for not less than two years before such as-
signment in order to ensure that such officer is fa-
miliar with the geography and people living in bor-
der communities, as well as the State, local, and
tribal law enforcement agencies serving those com-

“(2) INTELLIGENCE ANALYSIS, PRIVACY, AND
CIVIL LIBERTIES TRAINING.—Before being stationed
at a border State fusion center under this section,
a CBP or ICE officer shall undergo—

“(A) appropriate intelligence analysis
training via an intelligence-led policing cur-
riculum that is consistent with the standards
and recommendations of the National Criminal Intelligence Sharing Plan, the Department of Justice and Department Fusion Center Guidelines, title 28, part 23, Code of Federal Regulations, as well as any other training prescribed by the Under Secretary for Intelligence and Analysis; and

“(B) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

“(3) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Under Secretary for Intelligence and Analysis shall ensure that security clearance processing is expedited for each CBP and ICE officer or intelligence analyst stationed at border State fusion centers under this section and shall ensure that such officer or analyst has the appropriate clearance to conduct the work of the Border Intelligence Fusion Center Program.

“(4) FURTHER QUALIFICATIONS.—Each CBP and ICE officer or intelligence analyst stationed at a border State fusion center under this section shall
satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.

“(e) Responsibilities.—

“(1) In general.—

“(A) Creation and dissemination of border intelligence products.—CBP and ICE officers and intelligence analysts assigned to border State fusion centers under this section will help State, local, and tribal law enforcement in jurisdictions along the northern and southern borders, and border State fusion center staff, overlay threat and suspicious activity with Federal homeland security information in order to develop a more comprehensive and accurate threat picture. Such CBP and ICE officers and intelligence analysts accordingly shall have as their primary mission the review of border security-relevant information from State, local, and tribal law enforcement sources, and the creation of border intelligence products derived from such information and other border-security relevant information provided by the Department, and the dissemination of such products to border State, local, and tribal law enforcement. CBP and ICE officers or intel-
intelligence analysts assigned to border State fusion
centers under this section shall also provide
such products to the Office of Intelligence and
Analysis of the Department for collection and
dissemination to other fusion centers in other
border States.

“(B) DATABASE ACCESS.—In order to ful-
fill the objectives described in subparagraph
(A), CBP and ICE officers and intelligence an-
alysts stationed at border State fusion centers
under this section shall have direct access to all
relevant databases at their respective agencies.

“(C) CUSTOMER SATISFACTION SUR-
VEYS.—The Secretary shall create a mechanism
for State, local, and tribal law enforcement offi-
cers who are consumers of the intelligence prod-
ucts described in subparagraph (A) to fill out
an electronic customer satisfaction survey when-
ever they access such a product. The results of
these voluntary surveys should be provided elec-
tronically to appropriate personnel of the De-
partment. The results of these customer satis-
faction surveys should also be included in an
appropriate format in the annual status reports
described in subsection (h)(2)(A).
“(2) Cultivation of relationships.—CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section shall actively cultivate relationships with State, local, and tribal law enforcement personnel in border communities in order to satisfy the mission described in paragraph (1), and shall make similar outreach to Canadian and Mexican law enforcement authorities serving neighboring communities across the northern and southern borders. CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section may also serve as a conduit of border intelligence products from the Department itself and shall ensure that such products are provided to all appropriate law enforcement agencies, departments, and offices in border States.

“(f) Rule of construction.—Nothing in this section shall be construed to require a border State fusion center to participate in the Border Intelligence Fusion Center Program.

“(g) Reports.—

“(1) Development of implementation plan.—

“(A) In general.—Not later than 90 days after the date of the enactment of the Im-
plementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Border Intelligence Fusion Center Program implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the Secretary shall consult with State, local, and tribal authorities responsible for border State fusion centers.

“(B) CONTENTS.—The implementation plan should also address the following elements for effective program assessment:

“(i) A clear articulation of the purposes, goals, and specific objectives for which the program is being developed.

“(ii) An identification of program stakeholders and an assessment of their interests in and expectations of the program.

“(iii) A developed set of quantitative metrics to measure, to the extent possible, program output.

“(iv) A developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stake-
holders believe their needs and expectations are being met.

“(2) STATUS REPORTS AND CONTINUATION ASSESSMENT.—

“(A) STATUS REPORTS.—

“(i) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees status reports on the Border Intelligence Fusion Center Program. The reports shall address the elements described in paragraph (1)(B). The reports shall also include the following:

“(I) A description of the training programs in place for CBP and ICE officers and intelligence analysts participating in the program.

“(II) A listing of the border State fusion centers where CBP and ICE officers and intelligence analysts are deployed.

“(III) A representative survey of State, local, and tribal law enforcement officers serving border jurisdictions regarding the specificity and actionable nature of the border intel-
intelligence provided by CBP and ICE officers at such fusion centers.

“(IV) A description of the results of the customer satisfaction surveys submitted by users of the products described in subsection (c)(1).

“(ii) Deadlines.—Status reports under clause (i) shall be submitted not later than—

“(I) one year after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007; and

“(II) three and five years after the date on which the Border Intelligence Fusion Center Program is established.

“(B) Continuation assessment.—Not later than the end of the fifth year following the date on which the Border Intelligence Fusion Center Program is established, the Secretary shall submit to the appropriate congressional committees a Border Intelligence Fusion Center Program Continuation Assessment. The con-
 continuation assessment shall accomplish the follow-

“(i) Recommend whether the program
should continue in its present or some altered form or not.

“(ii) Provide the reasons for that recom-

“(iii) If the recommendation is that
the program should continue, list and de-
scribe legislative priorities for Congress re-
garding the continuation of the program,
and provide recommended appropriations
amounts and justifications for them.

“(h) DEFINITION OF BORDER STATE FUSION CEN-
ter.—The term ‘border State fusion center’ means a fu-
sion center located in the State of Washington, Idaho,
Montana, North Dakota, Minnesota, Wisconsin, Michigan,
Ohio, Pennsylvania, New York, Vermont, New Hampshire,
Maine, California, Arizona, New Mexico, or Texas.”.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of such Act is amended by inserting after
the item relating to section 203 the following:

“Sec. 204. Border Intelligence Fusion Center Program.”.
Subtitle C—Homeland Security

Information Sharing Enhancement

SEC. 721. SHORT TITLE.

This subtitle may be cited as the “Homeland Security Information Sharing Enhancement Act of 2007”.

SEC. 722. HOMELAND SECURITY ADVISORY SYSTEM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

“SEC. 205. HOMELAND SECURITY ADVISORY SYSTEM.

“(a) REQUIREMENT.—The Under Secretary for Intelligence and Analysis shall implement a Homeland Security Advisory System in accordance with this section to provide public advisories and alerts regarding threats to homeland security, including national, regional, local, and economic sector advisories and alerts, as appropriate.

“(b) REQUIRED ELEMENTS.—The Under Secretary, under the System—

“(1) shall include, in each advisory and alert regarding a threat, information on appropriate protective measures and countermeasures that may be taken in response to the threat;

“(2) shall, whenever possible, limit the scope of each advisory and alert to a specific region, locality, or economic sector believed to be at risk; and
“(3) shall not, in issuing any advisory or alert, use color designations as the exclusive means of specifying the homeland security threat conditions that are the subject of the advisory or alert.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to subtitle A of title II the following:

“Sec. 205. Homeland Security Advisory System.”.

SEC. 723. HOMELAND SECURITY INFORMATION SHARING.

(a) In General.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

“SEC. 206. HOMELAND SECURITY INFORMATION SHARING.

“(a) Information Sharing Environment.—Consistent with section 1016 of the National Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in accordance with all other applicable laws and regulations, the Secretary shall integrate and standardize the information of the intelligence components of the Department into a Department information sharing environment, to be administered by the Under Secretary for Intelligence and Analysis.

“(b) Information Sharing and Knowledge Management Officers.—For each intelligence component of the Department, the Secretary shall designate an
information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis with respect to coordinating the different systems used in the Department to gather and disseminate homeland security information.

“(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

“(1) Establishment of business processes.—The Under Secretary for Intelligence and Analysis shall establish Department-wide procedures for the review and analysis of information gathered from State, local, tribal, and private-sector sources and, as appropriate, integrate such information into the information gathered by the Department and other department and agencies of the Federal Government.

“(2) Feedback.—The Secretary shall develop mechanisms to provide analytical and operational feedback to any State, local, tribal, and private-sector entities that gather information and provide such information to the Secretary.

“(d) Training and Evaluation of Employees.—

“(1) Training.—The Under Secretary shall provide to employees of the Department opportunities for training and education to develop an under-
standing of the definition of homeland security information, how information available to them as part of their duties might qualify as homeland security information, and how information available to them is relevant to the Office of Intelligence and Analysis.

“(2) Evaluations.—The Under Secretary shall, on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information and participating in the Department information sharing environment.”.

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 206. Homeland security information sharing.”.

(e) Establishment of Comprehensive Information Technology Network Architecture.—

(1) In general.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:
SEC. 207. COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.

“(a) Establishment.—The Secretary, acting through the Chief Intelligence Officer, shall establish a comprehensive information technology network architecture for the Office of Intelligence and Analysis.

“(b) Network Model.—The comprehensive information technology network architecture established under subsection (a) shall, to the extent possible, incorporate the approaches, features, and functions of the network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

“(c) Comprehensive Information Technology Network Architecture Defined.—the term ‘comprehensive information technology network architecture’ means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic goals and information resources management goals of the Office of Intelligence and Analysis.”.

(2) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended
by adding at the end of the items relating to such subtitle the following:

“Sec. 207. Comprehensive information technology network architecture.”.

(3) Reports.—

(A) Report on implementation of plan.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a plan to implement the comprehensive information technology network architecture for the Office of Intelligence and Analysis of the Department of Homeland Security required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1). Such report shall include the following:

(i) Priorities for the development of the comprehensive information technology network architecture and a rationale for such priorities.

(ii) An explanation of how the various components of the comprehensive informa-
tion technology network architecture will work together and interconnect.

(iii) A description of the technology challenges that the Office of Intelligence and Analysis will face in implementing the comprehensive information technology network architecture.

(iv) A description of technology options that are available or are in development that may be incorporated into the comprehensive technology network architecture, the feasibility of incorporating such options, and the advantages and disadvantages of doing so.

(v) An explanation of any security protections to be developed as part of the comprehensive information technology network architecture.

(vi) A description of any safeguards for civil liberties and privacy to be built into the comprehensive information technology network architecture.

(vii) An operational best practices plan.
(B) PROGRESS REPORT.—Not later than 180 days after the date on which the report is submitted under subparagraph (A), the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Secretary in developing the comprehensive information technology network architecture required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1).

(d) INTELLIGENCE COMPONENT DEFINED.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is further amended by adding at the end the following new paragraph:

“(18) The term ‘intelligence component of the Department’ means any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information except—

“(A) a directorate, agency, or element of the Department that is required to be maintained as a distinct entity under this Act; or
“(B) any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department.”.

Subtitle D—Homeland Security
Information Sharing Partnerships

SEC. 731. SHORT TITLE.

This subtitle may be cited as the “Homeland Security Information Sharing Partnerships Act of 2007”.

SEC. 732. STATE, LOCAL, AND REGIONAL INFORMATION FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

“SEC. 208. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

“(a) ESTABLISHMENT.—The Secretary shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

“(b) DUTIES.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

“(1) coordinate with the principal official of each State, local, or regional fusion center and the
official designated as the Homeland Security Advisor of the State;

“(2) provide Department operational and intelligence advice and assistance to State, local, and regional fusion centers;

“(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment (as defined under section 1016(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a)(2))) in accordance with all applicable laws and regulations;

“(4) conduct table-top and live training exercises to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

“(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

“(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

“(7) review homeland security information gathered by State, local, and regional fusion centers
and incorporate relevant information with homeland security information of the Department;

“(8) provide management assistance to State, local, and regional fusion centers;

“(9) serve as a point of contact to ensure the dissemination of relevant homeland security information.

“(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

“(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

“(12) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

“(13) carry out such other duties as the Secretary determines are appropriate.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 208. State, Local, and Regional Information Fusion Center Initiative.”.

(c) REPORTS.—
(1) Concept of Operations.—Not later than 90 days after the date of the enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 208 of the Homeland Security Act of 2002, as added by subsection (a), has been implemented, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Initiative, which shall include a privacy and civil liberties impact assessment.

(2) Privacy and Civil Liberties.—

(A) Review of Concept of Operations.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Initiative and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Sec-
Secretary may not implement the Initiative until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) REVIEW OF PRIVACY IMPACT.—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the State, Local, and Regional Fusion Center Initiative is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for Intelligence and Analysis a report on the privacy and civil liberties impact of the Initiative.

SEC. 733. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:
(a) Establishment.—

(1) In general.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish a fellowship program in accordance with this section for the purpose of—

(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

(i) the mission and capabilities of the Office of Intelligence and Analysis; and

(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by stationing such officers and analysts in order to—

(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;
“(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers and intelligence analysts; and

“(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal law enforcement officers and intelligence analysts and designed to thwart terrorist attacks.

“(2) PROGRAM NAME.—The program under this section shall be known as the ‘Homeland Security Information Sharing Fellows Program’.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program, an individual must—

“(A) have homeland security-related responsibilities or law enforcement-related responsibilities;

“(B) be eligible for an appropriate national security clearance;

“(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;
“(D) be an employee of an eligible entity;

and

“(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

“(2) ELIGIBLE ENTITIES.—For purposes of this subsection, the term ‘eligible entity’ means—

“(A) a State, local, or regional fusion center;

“(B) a State or local law enforcement or other government entity that serves a major metropolitan area, as determined by the Secretary;

“(C) a State or local law enforcement or other government entity that serves a suburban or rural area, as determined by the Secretary;

“(D) a State or local law enforcement or other government entity with port responsibilities, as determined by the Secretary;

“(E) a State or local law enforcement or other government entity with border responsibilities, as determined by the Secretary;
“(F) a State or local law enforcement or other government entity with agricultural responsibilities, as determined by the Secretary;

“(G) a tribal law enforcement or other authority; or

“(H) such other entity as the Secretary determines is appropriate.

“(c) Optional Participation.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

“(d) Procedures for Nomination and Selection.—

“(1) In General.—The Under Secretary shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

“(2) Limitations.—The Under Secretary shall—

“(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

“(B) ensure that the number of Information Sharing Fellows selected does not impede
the activities of the Office of Intelligence and
Analysis.

“(e) LENGTH OF SERVICE.—Information Sharing
Fellows shall serve for a reasonable period of time, as de-
termined by the Under Secretary. Such period of time
shall be sufficient to advance the information-sharing
goals of the Under Secretary and encourage participation
by as many qualified nominees as possible.

“(f) CONDITION.—As a condition of selecting an indi-
vidual as an Information Sharing Fellow under the pro-
gram, the Under Secretary shall require that the individ-
ual’s employer agree to continue to pay the individual’s
salary and benefits during the period for which the indi-
vidual is detailed.

“(g) STIPEND.—During the period for which an indi-
vidual is detailed under the program, the Under Secretary
shall, subject to the availability of appropriations provide
to the individual a stipend to cover the individual’s reason-
able living expenses for that period.

“(h) SECURITY CLEARANCES.—If an individual se-
lected for a fellowship under the Information Sharing Fel-
lows Program does not possess the appropriate security
clearance, the Under Secretary shall ensure that security
clearance processing is expedited for such individual and
shall ensure that each such Information Sharing Fellow
has obtained the appropriate security clearance prior to participation in the Program.”.

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 209. Homeland Security Information Sharing Fellows Program.”.

(c) Reports.—

(1) Concept of Operations.—Not later than 90 days after the date of the enactment of this Act and before the implementation of the Homeland Security Information Sharing Fellows Program under section 209 of the Homeland Security Act of 2002, as added by subsection (a), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) Privacy and Civil Liberties.—

(A) Review of Concept of Operations.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for
Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Program and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Secretary may not implement the Program until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) REVIEW OF PRIVACY IMPACT.—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the Homeland Security Information Sharing Fellows Program is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for In-
intelligence and Analysis a report on the privacy and civil liberties impact of the Program.

Subtitle E—Homeland Security

Intelligence Offices Reorganization

SEC. 741. DEPARTMENTAL REORGANIZATION.

(a) Redesignation of Directorate for Information Analysis and Infrastructure Protection.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended—

(1) in subsection (a)(1)—

(A) by striking “a Directorate for Information Analysis and Infrastructure Protection” and inserting “an Office of Intelligence and Analysis”; and

(B) by striking “an Under Secretary for Information Analysis and Infrastructure Protection” and inserting “an Under Secretary for Intelligence and Analysis”;.

(2) by striking subsection (b) and redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b), as so redesignated—

(A) by striking “and infrastructure protection” before “are carried out” and inserting “and intelligence”; and
(B) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for Intelligence and Analysis”;

(4) in subsection (c), as so redesignated—

(A) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for Intelligence and Analysis”;

(B) by striking paragraphs (2), (5), and (6), and redesignating paragraphs (3) through (17) as paragraphs (2) through (14), respectively;

(C) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively;

(D) in paragraph (2), as so redesignated, by striking “To integrate” and inserting “To participate in the integration of”;

(E) in paragraph (14), as so redesignated, by inserting “the Assistant Secretary for Infrastructure Protection and” after “coordinate with”; and

(F) by inserting after paragraph (14), as redesignated by subparagraph (B), the following new paragraphs:
“(15) To coordinate and enhance integration among intelligence components of the Department.

“(16) To establish intelligence priorities, policies, processes, standards, guidelines, and procedures for the Department.

“(17) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

“(18) To ensure that, whenever possible—

“(A) the Under Secretary for Intelligence and Analysis produces and disseminates reports and analytic products based on open-source information that do not require a national security classification under applicable law; and

“(B) such unclassified open source reports are produced and disseminated contemporaneously with reports or analytic products concerning the same or similar information that the Under Secretary for Intelligence and Analysis produces and disseminates in a classified format.

“(19) To establish within the Office of Intelligence Analysis an Internal Continuity of Operations (COOP) Plan that—
“(A) assures that the capability exists to continue uninterrupted operations during a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies, that is maintained at a high level of readiness and is capable of implementation with and without warning; and

“(B) includes plans and procedures governing succession to office within the Office of Intelligence and Analysis, including—

“(i) emergency delegations of authority (where permissible, and in accordance with applicable law);

“(ii) the safekeeping of vital resources, facilities, and records;

“(iii) the improvisation or emergency acquisition of vital resources necessary for the performance of operations of the Office; and

“(iv) the capability to relocate essential personnel and functions to and to sustain the performance of the operations of the Office at an alternate work site until normal operations can be resumed.”
(5) in subsections (d) and (e), as redesignated by subsection (a)(2), by striking “Directorate” each place it appears and inserting “Office”; and

(6) in subsection (f), as redesignated by subsection (a)(2)—

(A) by striking “the Under Secretary for Information Analysis and Infrastructure Protection” and inserting “the Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection”; and

(B) by inserting “and section 203” after “under this section”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—


(A) in section 103(a), by adding at the end the following new paragraph:

“(10) An Under Secretary for Intelligence and Analysis.”;

(B) in section 223, by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis, in co-
operation with the Assistant Secretary for Infrastructure Protection’’;

(C) in section 224, by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Assistant Secretary for Infrastructure Protection”; and

(D) in section 302(3), by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection”.

(2) HEADINGS.—

(A) SECTION 201.—The heading for section 201 of such Act is amended to read as follows:

“SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.”.

(B) SECTION 201(a).—The heading for subsection (a) of section 201 of such Act is amended to read as follows:

“(a) UNDER SECRETARY OF HOMELAND SECURITY FOR INTELLIGENCE AND ANALYSIS.—”.

(C) SECTION 201(b).—The heading for subsection (b) of section 201 of such Act, as re-
designated by subsection (a)(2), is amended to read as follows:

“(b) Discharge of Intelligence and Analysis.—”.

(3) National Security Act of 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

“(I) The Under Secretary for Intelligence and Analysis of the Department of Homeland Security.”.

(4) Intelligence Reform and Terrorism Prevention Act of 2004.—Section 7306(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3848) is amended by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis”.

SEC. 742. INTELLIGENCE COMPONENTS OF DEPARTMENT OF HOMELAND SECURITY.

(a) Responsibilities.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:
SEC. 210. INTELLIGENCE COMPONENTS.

(a) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the responsibilities of the head of each intelligence component of the Department are as follows:

“(1) To ensure that duties related to the acquisition, analysis, and dissemination of homeland security information are carried out effectively and efficiently in support of the Under Secretary for Intelligence and Analysis.

“(2) To support and implement the goals established in cooperation with the Under Secretary for Intelligence and Analysis.

“(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation.

“(4) To coordinate with the Under Secretary for Intelligence and Analysis in the recruitment and selection of intelligence officials of the intelligence component.

“(5) To advise and coordinate with the Under Secretary for Intelligence and Analysis on any plan to reorganize or restructure the intelligence compo-
ment that would, if implemented, result in realign-
ments of intelligence functions.

“(6) To ensure that employees of the intel-
ligence component have knowledge of and comply
with the programs and policies established by the
Under Secretary for Intelligence and Analysis and
other appropriate officials of the Department and
that such employees comply with all applicable laws
and regulations.

“(7) To perform such other duties relating to
such responsibilities as the Secretary may provide.

“(b) TRAINING OF EMPLOYEES.—The Secretary
shall provide training and guidance for employees, offi-
cials, and senior executives of the intelligence components
of the Department to develop knowledge of laws, regula-
tions, operations, policies, procedures, and programs that
are related to the functions of the Department relating
to the handling, analysis, dissemination, and acquisition
of homeland security information.”.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of such Act is further amended by adding
at the end of the items relating to such subtitle the fol-
lowing:

“Sec. 210. Intelligence components.”.
SEC. 743. OFFICE OF INFRASTRUCTURE PROTECTION.

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:

“SEC. 210A. OFFICE OF INFRASTRUCTURE PROTECTION.

“(a) Assistant Secretary for Infrastructure Protection.—

“(1) In general.—There shall be in the Department an Office of Infrastructure Protection headed by an Assistant Secretary for Infrastructure Protection.

“(2) Responsibilities.—The Assistant Secretary shall assist the Secretary in discharging the responsibilities assigned by the Secretary.

“(b) Discharge of Infrastructure Protection.—The Secretary shall ensure that the responsibilities of the Department regarding infrastructure protection are carried out through the Assistant Secretary for Infrastructure Protection.

“(c) Responsibilities of Assistant Secretary.—Subject to the direction and control of the Secretary, the responsibilities of the Assistant Secretary for Infrastructure Protection shall be as follows:

“(1) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical
infrastructure of the United States, including the
performance of risk assessments to determine the
risks posed by particular types of terrorist attacks
within the United States (including an assessment of
the probability of success of such attacks and the
feasibility and potential efficacy of various counter-
measures to such attacks).

“(2) To participate in the integration of rel-
evant information, analyses, and vulnerability assess-
ments (whether such information, analyses, or as-
sessments are provided or produced by the Depart-
ment or others) in order to identify priorities for
protective and support measures by the Department,
other agencies of the Federal Government, State and
local government agencies and authorities, the pri-
ivate sector, and other entities.

“(3) To develop a comprehensive national plan
for securing the key resources and critical infra-
structure of the United States, including power pro-
duction, generation, and distribution systems, infor-
mation technology and telecommunications systems
(including satellites), electronic financial and prop-
erty record storage and transmission systems, emer-
gency preparedness communications systems, and
the physical and technological assets that support such systems.

“(4) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities.

“(5) To coordinate with the Under Secretary for Intelligence and Analysis and elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

“(6) To perform such other duties as assigned by the Secretary under this Act.

“(d) STAFF.—

“(1) IN GENERAL.—The Secretary shall provide the Office with a staff having appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

“(2) PRIVATE SECTOR STAFF.—Staff under this subsection may include staff from the private sector.
“(3) SECURITY CLEARANCES.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

“(e) DETAIL OF PERSONNEL.—

“(1) IN GENERAL.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal agencies may be detailed to the Department for the performance of analytic functions and related duties.

“(2) COOPERATIVE AGREEMENTS.—The Secretary and the head of the agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

“(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

“Sec. 210A. Office of Infrastructure Protection.”.

“
TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM
Subtitle A—Privacy and Civil Liberties Oversight Boards

SEC. 801. SHORT TITLE.
This subtitle may be cited as the “Protection of Civil Liberties Act”.

SEC. 802. FINDINGS.
Congress finds the following:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: “At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.”
(3) The report also states that “the choice between security and liberty is a false choice, as nothing is more likely to endanger America’s liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.”

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

SEC. 803. MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.

Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended by striking “within the Executive Office of the President” and inserting “as an independent agency within the Executive branch”.

SEC. 804. REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CON- FIRMED BY THE SENATE.

Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:
“(e) Membership.—

“(1) Members.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President by no later than 6 months after the date of the enactment of the Protection of Civil Liberties Act, by and with the advice and consent of the Senate, which shall move expeditiously following each nomination.

“(2) Qualifications.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

“(3) Incompatible Office.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.
“(4) Term.—Each member of the Board shall serve a term of six years, except that—

“(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

“(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member’s successor has been appointed and qualified, except that no member may serve under this subparagraph—

“(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

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

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

“(5) Quorum and meetings.—The Board shall meet upon the call of the chairman or a major-
ity of its members. Three members of the Board
shall constitute a quorum.”.

SEC. 805. SUBPOENA POWER FOR THE PRIVACY AND CIVIL
LIBERTIES OVERSIGHT BOARD.

Section 1061(d) of the Intelligence Reform and Ter-
tonism Prevention Act of 2004 (5 U.S.C. 601 note) is
amended—

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

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

and

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

“(2) ENFORCEMENT OF SUBPOENA.—In the
case of contumacy or failure to obey a subpoena
issued under paragraph (1)(D), the United States
district court for the judicial district in which the
subpoenaed person resides, is served, or may be
found may issue an order requiring such person to
produce the evidence required by such subpoena.”.
SEC. 806. REPORTING REQUIREMENTS.

(a) Duties of Board.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

“(4) Reports.—

“(A) Receipt, review, and submission.—

“(i) In general.—The Board shall—

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

“(II) periodically submit, not less than semiannually, reports to the appropriate congressional committees, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, the Com-
mittee on Homeland Security of the
House of Representatives, and to the
President.

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

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

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

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

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

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

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

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

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

(b) PRIVACY AND CIVIL LIBERTIES OFFICERS.—

(1) DESIGNATION OF OFFICERS.—Section 1062
of the Intelligence Reform and Terrorism Prevention
Act of 2004 (118 Stat. 3688) is amended to read as
follows:

“SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

“(a) DESIGNATION AND FUNCTIONS.—The Attorney
General, the Secretary of Defense, the Secretary of State,
the Secretary of the Treasury, the Secretary of Health and
Human Services, the Secretary of Homeland Security, the
National Intelligence Director, the Director of the Central
Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

“(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

“(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

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

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

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

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

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

“(b) Exception to Designation Authority.—

“(1) Privacy Officers.—In any department,
agency, or element referred to in subsection (a) or
designated by the Board, which has a statutorily
created privacy officer, such officer shall perform the
functions specified in subsection (a) with respect to
privacy.

“(2) Civil Liberties Officers.—In any de-
partment, agency, or element referred to in sub-
section (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

“(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

“(1) report directly to the head of the department, agency, or element concerned; and

“(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

“(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

“(1) has the information, material, and resources necessary to fulfill the functions of such officer;

“(2) is advised of proposed policy changes;

“(3) is consulted by decisionmakers; and

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

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

“(f) Periodic Reports.—

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

“(A)(i) to the appropriate congressional
committees, including the Committees on the
Judiciary of the Senate and the House of Rep-
resentatives, the Committee on Homeland Secu-
rity and Governmental Affairs of the Senate,
the Committee on Oversight and Government
Reform of the House of Representatives, the
Select Committee on Intelligence of the Senate,
and the Permanent Select Committee on Intelligence of the House of Representatives;

“(ii) to the head of such department, agency, or element; and

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

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

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

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

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

“(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

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

“(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—
“(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

“(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

“(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

“(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1062 and inserting the following:

“Sec. 1062. Privacy and civil liberties officers.”.
Subtitle B—Enhancement of Privacy Officer Authorities

SEC. 811. SHORT TITLE.
This subtitle may be cited as the “Privacy Officer With Enhanced Rights Act of 2007” or the “POWER Act”.

SEC. 812. AUTHORITIES OF THE PRIVACY OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(1) by inserting before the first sentence the following: “(a) APPOINTMENT AND RESPONSIBILITIES.—”;

(2) by adding at the end the following:

“(b) AUTHORITY TO INVESTIGATE.—
“(1) IN GENERAL.—The senior official appointed under this section is specifically authorized—

“(A) to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to which the senior official has responsibilities under this section;
“(B) to make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official’s judgment, necessary or desirable;

“(C) to require by subpoena the production, by persons other than Federal agencies, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the functions of the senior official under this section;

“(D) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the functions of the senior official under this section; and

“(E) to take any other action that may be taken by the Inspector General of the Department, as necessary to require employees of the Department to produce documents and answer questions relevant to performance of the functions of the senior official under this section.

“(2) ENFORCEMENT OF SUBPOenas.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable
by order of any appropriate United States district court.

“(3) Effect of Oaths, etc.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

“(c) Term of Office.—The term of appointment of a senior official under subsection (a) shall be 5 years.

“(d) Reports to Congress.—The senior official appointed under subsection (a) shall submit reports directly to Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget.”.

TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

SEC. 901. VULNERABILITY ASSESSMENT AND REPORT ON CRITICAL INFRASTRUCTURE INFORMATION.

(a) In General.—Subtitle B of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new section:
“SEC. 216. ANNUAL CRITICAL INFRASTRUCTURE VULNERABILITY ASSESSMENT AND REPORT.

“(a) VULNERABILITY ASSESSMENT REQUIRED.—Except where a vulnerability assessment is required under another provision of law, for each fiscal year, the Secretary, acting through the Assistant Secretary for Infrastructure Protection pursuant to the responsibilities under section 210A, shall prepare a vulnerability assessment of the critical infrastructure information available to the Secretary with respect to that fiscal year. Each vulnerability assessment shall contain any actions or countermeasures proposed or recommended by the Secretary to address security concerns covered in the assessment. The information in each such assessment shall be set forth separately for each critical infrastructure sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive-7, as in effect on January 1, 2006.

“(b) ANNUAL REPORT TO CONGRESS.—

“(1) REPORT REQUIRED.—Not later than six months after the last day of a fiscal year, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing a summary and review of the vulnerability assessments prepared by the Secretary under subsection (a) for that fiscal
year and the two preceding fiscal years. The information in the report shall be set forth separately for each of the critical infrastructure sectors described in subsection (a).

“(2) CONTENTS OF REPORT.—The Secretary shall include in the report required under paragraph (1)—

“(A) for each critical infrastructure sector covered by the report, a summary comparison describing any changes between the vulnerability assessment for the fiscal year covered by the report and the vulnerability assessment for the preceding fiscal year;

“(B) the explanation and comments of the Secretary with respect to the greatest risks to critical infrastructure for each such sector; and

“(C) the recommendations of the Secretary for mitigating such risks.

“(3) CLASSIFIED ANNEX.—The report required under paragraph (1) may contain a classified annex.”.

(b) TECHNICAL AMENDMENT.—Section 212(3) of such Act (6 U.S.C. 131(3)) is amended—
(1) by inserting “relating to” after “the security of critical infrastructure or protected systems”; and

(2) in subparagraph (A), by inserting “the” after “(A)”.

c) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 215 the following new item:

“Sec. 216. Annual critical infrastructure vulnerability assessment and report.”.

SEC. 902. NATIONAL ASSET DATABASE AND THE NATIONAL AT-RISK DATABASE.

(a) In General.—Subtitle A of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new sections:

“SEC. 210C. NATIONAL ASSET DATABASE AND NATIONAL AT-RISK DATABASE.

“(a) Establishment.—

“(1) National asset database.—The Secretary shall establish and maintain a national database of nationwide critical infrastructure assets to identify and prioritize critical infrastructure and key resources and to protect them from terrorist attack. The database shall be known as the ‘National Asset Database’.

“(2) National at-risk database.—The Secretary shall establish within the National Asset
Database, a database containing a list of the infrastructure the Secretary determines is most at risk, to be known as the ‘National At-Risk Database’.

“(3) NATIONAL ASSET DATABASE CONSORTIUM.—

“(A) Establishment.—The Secretary shall establish a consortium to be known as the ‘National Asset Database Consortium’. The Consortium shall advise the Secretary on the best way to identify, generate, organize, and maintain the databases described in paragraphs (1) and (2) and shall be made up of at least two but not more than four national laboratories and the heads of such other Federal agencies as the Secretary deems appropriate.

“(B) Administration and Consultation.—The Secretary shall—

“(i) select as members of the National Asset Database Consortium national laboratories or Federal agencies that have demonstrated experience working with and identifying critical infrastructure;

“(ii) enter into contracts, as necessary, with the members of the National
Asset Database Consortium to perform the tasks required under this section; and

“(iii) solicit and receive comments from the National Asset Database Consortium on—

“(I) the appropriateness of the protection and risk methodologies in the National Infrastructure Protection Plan or other nationwide infrastructure protection plan issued by the Department; and

“(II) alternative means to define risk and identify specific criteria to prioritize the most at-risk infrastructure or key resources.

“(b) USE OF DATABASE.—The Secretary shall use the database established under subsection (a)—

“(1) in the development, coordination, integration, and implementation of plans and programs, including to identify, catalog, prioritize, and protect critical infrastructure and key resources in accordance with Homeland Security Presidential Directive number 7, and in cooperation with all levels of government and private sector entities that the Secretary considers appropriate; and
“(2) in providing any covered grant to assist in preventing, reducing, mitigating, or responding to terrorist attack.

“(c) MAINTENANCE OF DATABASE.—

“(1) IN GENERAL.—The Secretary shall maintain and annually update the database, including by—

“(A) annually defining and systematically examining assets in the database that are described incorrectly or that do not meet national assets guidelines used by the Secretary to determine which assets should remain in the National Asset Database and the National At-Risk Database;

“(B) annually providing a list to the States of assets referred to in subparagraph (A) for review before finalizing the decision of which assets to include in the National Asset Database and the National At-Risk Database;

“(C) reviewing the guidelines to the States to ensure consistency and uniformity for inclusion and how the Department intends to use that data;

“(D) meeting annually with the States to provide guidance and clarification of the guide-
lines to promote consistency and uniformity in
submissions;

“(E) utilizing on an ongoing basis the Na-
tional Asset Database and other expert panels
established by the Department to review and re-
fine the National Asset Database and the Na-
tional At-Risk Database; and

“(F) utilizing the Department’s National
Infrastructure Simulation and Analysis Center
for the National Asset Database taxonomy and
asset information in the National Asset Data-
base and facilitating the future exchange of in-
formation between the National Asset Database
and such center.

“(2) Organization of Information in Data-
base.—The Secretary shall—

“(A) remove from the National Asset
Database or the National At-Risk Database any
asset that the Secretary determines to be un-
verifiable and as not meeting national asset
guidelines set forth by the Secretary in requests
for information from States; and

“(B) classify assets in the database accord-
ing to the 17 sectors listed in National Infra-
structure Protection Plan developed pursuant to
Homeland Security Presidential Directive 7, to ensure that the assets in the National Asset Database and the National At-Risk Database can be categorized by State and locality, regionally, and in such a manner as is effective for grants and other purposes.

“(3) MILESTONES AND GUIDELINES.—The Secretary shall—

“(A) identify and evaluate key milestones for the National Asset Database and the National At-Risk Database, including methods to integrate private sector assets and tasks that must be completed to eventually allocate homeland security grant programs based on the information contained in the database; and

“(B) issue guidelines for—

“(i) States to submit uniform information for possible inclusion in the National Asset Database or the National At-Risk Database; and

“(ii) review of such submissions by the Department.

“(d) REPORTS.—

“(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to the Com-
mittee on Homeland Security of the House of Rep-
resentatives and the Committee on Homeland Secu-
rity and Governmental Affairs of the Senate a report
on the critical infrastructure included in the Na-
tional Asset Database that is most at risk to ter-
rorism.

“(2) CONTENTS.—Each report shall include the
following:

“(A) The name, location, and sector classi-

cification of assets in the National Asset Data-

dbase that have been identified or deemed crit-

cal infrastructure that is most at risk to ter-
rorism.

“(B) Changes made in such database re-
garding such critical infrastructure made dur-
ing the period covered by the report regard-
ing—

“(i) defining and identifying critical

infrastructure; and

“(ii) compiling a usable database.

“(C) The extent to which the database has

been used as a tool for allocating funds to pre-
vent, reduce, mitigate, and respond to terrorist
attacks.
“(3) Classified Information.—The Secretary shall provide to the members of the committees to which the report required under this subsection is required to be submitted under paragraph (1) a classified briefing on the contents of such report. The Secretary shall also submit with each report a classified annex containing information required to be submitted under this section that cannot be made public.

“(e) Covered Grant Defined.—In this section, the term ‘covered grant’ means any grant provided by the Department under any of the following:

“(1) The Urban Area Security Initiative.

“(2) The Buffer Zone Protection Program.

“(3) Any other grant program administered by the Department, as determined appropriate by the Secretary.

“(4) Any successor to a program referred to in this paragraph.”.

(b) Deadlines for Implementation and Notification of Congress.—

(1) Deadline for Recommendations.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall secure recommendations on how to identify,
generate, organize, and maintain the list of assets in the databases from the consortium of national laboratories, as required under section 210C(a)(2) of the Homeland Security Act of 2002, as added by subsection (a).

(2) Deadline for First Report Regarding Use of the National Asset Database.—Notwithstanding the date specified under section 210C(d) of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security shall submit the first report required under that section not later than 180 days after the date of the enactment of this Act.

(e) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210 the following:

"Sec. 210C. National Asset Database and National At-Risk Database."

(d) Submittal of Certain Reports.—Each report that is authorized or required by this Act (or the amendments made by this Act) to be prepared by the Secretary of Homeland Security and that concerns a matter of the type carried out under an program under the jurisdiction of the Committee on Energy and Commerce of the House of Representatives shall be submitted to the Committee on Energy and Commerce of the House of Representa-
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tives, in addition to the other congressional committees in-
volved.

**TITLE X—TRANSPORTATION SECURITY PLANNING AND IN-
FORMATION SHARING**

**SEC. 1001. STRATEGIC TRANSPORTATION SECURITY INFOR-
MATION SHARING.**

Section 114 of title 49, United States Code, is
amended by adding at the end the following:

“(u) **STRATEGIC INFORMATION SHARING.**—

“(1) **ESTABLISHMENT OF PLAN.**—The Sec-
retary of Homeland Security shall establish a Stra-
tegic Transportation Security Information Sharing
Plan.

“(2) **PURPOSE OF PLAN.**—The plan shall en-
sure the robust development of tactical and strategic
intelligence products for disseminating to public and
private stakeholders security information relating to
threats to and vulnerabilities of transportation
modes, including aviation, bridge and tunnel, com-
muter rail and ferry, highway, maritime, pipeline,
rail, mass transit, and over-the-road bus transpor-
tation.

“(3) **CONTENT OF PLAN.**—The plan shall in-
clude—
“(A) a description of how intelligence analysts in the Transportation Security Administration are coordinating their activities with other intelligence analysts in the Department of Homeland Security and other Federal, State, and local agencies;

“(B) reasonable deadlines for completing any organizational changes within the Department of Homeland Security required to accommodate implementation of the plan; and

“(C) a description of resource needs for fulfilling the plan.

“(4) REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the plan.

“(B) UPDATES.—

“(i) CERTIFICATION OF FULL IMPLEMENTATION.—After achieving full implementation of the plan, the Secretary shall submit to the appropriate congressional committees a written certification of such implementation.
“(ii) Updates on Implementation.—Not later than 90 days after the date of submission of a report under subparagraph (A), and every 90 days thereafter until the date of submission of a written certification under clause (i), the Secretary shall submit to the appropriate congressional committees a report containing an update on implementation of the plan.

“(C) Annual Report.—Following the date of submission of a written certification under subparagraph (B)(i), the Secretary shall submit to the appropriate congressional committees an annual report on the following:

“(i) The number of transportation intelligence reports disseminated under the plan and a brief description of each report.

“(ii) The security classification of each report.

“(iii) The number of public and private stakeholders who were provided with each report.

“(5) Survey.—The Secretary shall conduct an annual survey of the satisfaction of each of the re-
recipients of transportation intelligence reports disseminated under the plan, and include the results of the survey as part of the annual report to be submitted under paragraph (4)(C).

“(6) Security clearances.—The Secretary shall ensure that public and private stakeholders have the security clearances needed to receive classified information if information contained in transportation intelligence reports cannot be disseminated in an unclassified format.

“(7) Classification of material.—To the greatest extent possible, the Secretary shall provide public and private stakeholders with specific and actionable information in an unclassified format.

“(8) Definitions.—In this subsection, the following definitions apply:

“(A) Appropriate congressional committees.—The term ‘appropriate congressional committees’ has the meaning given that term in subsection (t).

“(B) Plan.—The term ‘plan’ means the Strategic Transportation Security Information Sharing Plan established under paragraph (1).

“(C) Public and private stakeholders.—The term ‘public and private stake-
holders’ means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.”

SEC. 1002. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) In General.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

“(B) transportation modal security plans addressing risks, threats, and vulnerabilities for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.”

(b) Role of Secretary of Transportation.—Section 114(t)(2) of such title is amended by inserting before the period at the end the following: “and in carrying out all other responsibilities set forth in this subsection”.

(c) Contents of National Strategy for Transportation Security.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B) by inserting “, based on vulnerability assessments conducted by the Department of Homeland Security,” after “risk-based priorities”;
(2) in subparagraph (D)—

(A) by striking “and local” and inserting “, local, and tribal”; and

(B) by striking “private sector cooperation and participation” and inserting “cooperation and participation by private sector entities, including nonprofit employee labor organizations,”;

(3) in subparagraph (E)—

(A) by striking “response” and inserting “prevention, response,”; and

(B) by inserting “and outside of” before “the United States”; and

(4) in subparagraph (F) by adding at the end the following: “Research and development projects initiated by the Department of Homeland Security shall be based on such prioritization.”.

(d) Periodic Progress Report.—Section 114(t)(4)(C) is amended—

(1) in clause (i) by inserting before the period at the end the following: “, including the transportation modal security plans”;

(2) by striking clause (ii) and inserting the following:
“(ii) CONTENT.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

“(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

“(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Department of Homeland Security in the previous year and a description of how the grants accomplished the goals of the National Strategy for Transportation Security.

“(III) An accounting of all funds (other than grants referred in subclause (II)) expended by the Department of Homeland Security on transportation security.
“(IV) Information on the number of employees of the Department of Homeland Security, by agency, working on transportation security issues. The listing shall be divided by transportation mode, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation modes. The listing shall include information, by transportation mode, on the number of contractors hired by the Department of Homeland Security to work on transportation-related security.

“(V) Information on the turnover in the previous year among employees of the Department of Homeland Security working on transportation security issues. Specifically, the report shall provide information on the number of employees who have left the Department, their agency, the area in which they worked, and the amount of
time that they worked for the Department.

“(iii) **Written explanation of transportation security activities not delineated in the National Strategy for transportation security.**—Before carrying out a transportation security activity that is not clearly delineated in the National Strategy for Transportation Security, the Secretary shall submit to appropriate congressional committees a written explanation of the activity, including the amount of funds to be expended for the activity.”.

(c) **Appropriate Congressional Committees Defined.**—Section 114(t)(4)(E) of such title is amended by striking “Select”.

(f) **Priority Status.**—Section 114(t)(5)(B) of such title is amended—

(1) by striking “and” at the end of clause (iii);

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:
“(iv) the transportation sector specific plan required under Homeland Security Presidential Directive 7; and”.

(g) COORDINATION; PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

“(6) COORDINATION.—In carrying out the responsibilities set forth in this section, the Secretary of Homeland Security, working with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

“(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security to Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.”.
TITLE XI—PRIVATE SECTOR PREPAREDNESS

SEC. 1101. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.


(1) by striking the section heading and inserting the following:

“SEC. 519. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.”;

(2) by inserting “(a) Use of Private Sector Networks in Emergency Response.—” before “To the maximum”; and

(3) by adding at the end the following:

“(b) Private Sector Emergency Preparedness Program.—

“(1) Preparedness Program.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall develop and implement a program to enhance private sector preparedness for acts of terrorism and other emergencies and
disasters through the promotion of the use of vol-
untary consensus standards.

“(2) PROGRAM ELEMENTS.—In carrying out
the program, the Secretary shall develop guidance
and identify best practices to assist or foster action
by the private sector in—

“(A) identifying hazards and assessing
risks and impacts;

“(B) mitigating the impacts of a wide vari-
ety of hazards, including weapons of mass de-
struction;

“(C) managing necessary emergency pre-
paredness and response resources;

“(D) developing mutual aid agreements;

“(E) developing and maintaining emer-
gency preparedness and response plans, as well
as associated operational procedures;

“(F) developing and conducting training
and exercises to support and evaluate emer-
gency preparedness and response plans and
operational procedures;

“(G) developing and conducting training
programs for security guards to implement
emergency preparedness and response plans
and operations procedures; and
“(H) developing procedures to respond to external requests for information from the media and the public.

“(3) STANDARDS.—

“(A) IN GENERAL.—The Secretary shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for private sector emergency preparedness that will enable private sector organizations to achieve optimal levels of emergency preparedness as soon as practicable. Such standards shall include the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.

“(B) CONSULTATION.—The Secretary shall carry out paragraph (1) in consultation with the Assistant Secretary for Infrastructure Protection, the Assistant Secretary for Cyber Security and Communications, the Under Secretary for Science and Technology, the Director of the Federal Emergency Management Agency, and the Special Assistant to the Secretary for the Private Sector.
“(4) COORDINATION.—The Secretary shall co-
ordinate the program with, and utilize to the max-
imum extent practicable—

“(A) the voluntary standards for disaster
and emergency management and business con-
tinuity programs accredited by the American
National Standards Institute and developed by
the National Fire Protection Association; and

“(B) any existing private sector emergency
preparedness guidance or best practices devel-
oped by private sector industry associations or
other organizations.”.

(b) CONFORMING AMENDMENT.—The table of con-
tents contained in section 1(b) of such Act is amended
by striking the item relating to section 519 and inserting
the following:

“Sec. 519. Participation of private sector organizations in emergency prepared-
ness and response activities.”.

TITLE XII—PREVENTING WEAP-
ONS OF MASS DESTRUCTION
PROLIFERATION AND TERRORISM

SEC. 1201. FINDINGS.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress
finds that the 9/11 Commission made the following deter-
minations:
(1) The United States Government has made insufficient progress, and receives a grade “D”, on efforts to prevent weapons of mass destruction (WMD) proliferation and terrorism.

(2) The Cooperative Threat Reduction (CTR) program has made significant accomplishments, but much remains to be done to secure weapons-grade nuclear materials. The size of the problem still dwarfs the policy response. Nuclear materials in the former Soviet Union still lack effective security protection, and sites throughout the world contain enough highly-enriched uranium to fashion a nuclear device but lack even basic security features.

(3) Preventing the proliferation of WMD and acquisition of such weapons by terrorists warrants a maximum effort, by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative (PSI), and supporting the Cooperative Threat Reduction (CTR) Program.

(4) Preventing terrorists from gaining access to WMD must be an urgent national security priority because of the threat such access poses to the American people. The President should develop a comprehensive plan to dramatically accelerate the timetable for securing all nuclear weapons-usable mate-
rial around the world and request the necessary re-
sources to complete this task. The President should
publicly state this goal and ensure its fulfillment.

(5) Congress should provide the resources need-
ed to secure vulnerable materials as quickly as pos-
sible.

(b) **Recommendations of 9/11 Commission.**—
Congress further finds that the 9/11 Commission has
made the following recommendations:

(1) **Strengthen “counter-proliferation”**
efforts.—The United States should work with the
international community to develop laws and an
international legal regime with universal jurisdiction
to enable any state in the world to capture, interdict,
and prosecute smugglers of nuclear material.

(2) **Expand the Proliferation Security**
initiative.—In carrying out the Proliferation Secu-
rity Initiative (PSI), the United States should—

(A) use intelligence and planning resources
of the North Atlantic Treaty Organization
(NATO) alliance;

(B) make participation open to non-NATO
countries; and

(C) encourage Russia and the People’s Re-
public of China to participate.
(3) Support the Cooperative Threat Reduction program.—The United States should expand, improve, increase resources for, and otherwise fully support the Cooperative Threat Reduction (CTR) program.

SEC. 1202. DEFINITIONS.

In this title:

(1) The terms “prevention of weapons of mass destruction proliferation and terrorism” and “prevention of WMD proliferation and terrorism” include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2458);

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by sec-
tion 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and
(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms “weapons of mass destruction” and “WMD” mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials that can be used in the manufacture of such weapons.

(3) The term “items of proliferation concern” means equipment or other materials that could be used to develop WMD or for activities involving WMD.
Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

SEC. 1211. REPEAL AND MODIFICATION OF LIMITATIONS ON ASSISTANCE FOR PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

Consistent with the recommendations of the 9/11 Commission, Congress repeals or modifies the limitations on assistance for prevention of weapons of mass destruction (WMD) proliferation and terrorism as follows:

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(4) Authority to use cooperative threat reduction funds outside the former Soviet Union—Modification of certification requirement; repeal of funding limitation; congressional notice requirement.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended—

(A) in subsection (a)—

(i) by striking “the President may’’ and inserting “the Secretary of Defense may’’; and

(ii) by striking “if the President’’ and inserting “if the Secretary of Defense, with the concurrence of the Secretary of State,’’;

(B) by striking subsection (c);

(C) in subsection (d)(1)—

(i) by striking “The President may not’’ and inserting “The Secretary of Defense may not’’; and

(ii) by striking “until the President’’ and inserting “until the Secretary of Defense’’;

(D) in subsection (d)(2)—
(i) by striking “Not later than 10 days after” and inserting “Not later than 15 days prior to”;

(ii) by striking “the President shall” and inserting “the Secretary of Defense shall”; and

(iii) by striking “Congress” and inserting “the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate”; and

(E) in subsection (d) by adding at the end the following:

“(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.”.

(5) AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION RE-

(A) in subsection (a)—

(i) by striking “the President may” and inserting “the Secretary of Energy may”; and

(ii) by striking “if the President” and inserting “if the Secretary of Energy, with the concurrence of the Secretary of State,”;

(B) by striking subsection (c);

(C) in subsection (d)(1)—

(i) by striking “The President may not” and inserting “The Secretary of Energy may not”; and

(ii) by striking “until the President” and inserting “until the Secretary of Energy”; 

(D) in subsection (d)(2)—

(i) by striking “Not later than 10 days after” and inserting “Not later than 15 days prior to”;


(ii) by striking “the President shall” and inserting “the Secretary of Energy shall”; and

(iii) by striking “Congress” and inserting “the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate”; and

(E) in subsection (d) by adding at the end the following:

“(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.”.

Subtitle B—Proliferation Security Initiative

SEC. 1221. PROLIFERATION SECURITY INITIATIVE IMPROVEMENTS AND AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission’s recommendations, that the President should strive to expand
and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant government agencies and departments that establishes a defined annual budget and clear authorities, and provides other necessary resources and structures to achieve more efficient and effective performance of United States PSI-related activities.

(2) Working with the United Nations Security Council to develop a resolution to authorize the PSI under international law.

(3) Increasing PSI cooperation with non-NATO partners.

(4) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled “Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities” (GAO–06–937C), including the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.
(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(5) Expanding and formalizing the PSI into a multilateral regime to increase coordination, cooperation, and compliance among its participating states in interdiction activities.

(b) BUDGET SUBMISSION.—The Secretary of State and the Secretary of Defense shall submit a defined budget for the PSI, beginning with the budget submissions for their respective departments for fiscal year 2009.

(c) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—

(1) the steps taken to implement the recommendations described in paragraph (4) of subsection (a); and
(2) the progress made toward implementing the
matters described in paragraphs (1), (2), (3), and
(5) of subsection (a).

(d) GAO Annual Report.—The Government Ac-
countability Office shall submit to Congress, beginning in
fiscal year 2007, an annual report with its assessment of
the progress and effectiveness of the PSI, which shall in-
clude an assessment of the measures referred to in sub-
section (a).

SEC. 1222. AUTHORITY TO PROVIDE ASSISTANCE TO COOP-
ERATIVE COUNTRIES.

(a) In General.—The President is authorized to
provide, on such terms as the President considers appro-
priate, assistance under subsection (b) to any country that
cooperates with the United States and with other coun-
tries allied with the United States to prevent the transport
and transshipment of items of proliferation concern in its
national territory or airspace or in vessels under its control
or registry.

(b) Types of Assistance.—The assistance author-
ized under subsection (a) consists of the following:

(1) Assistance under section 23 of the Arms


(c) CONGRESSIONAL NOTIFICATION.—Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.

(d) LIMITATION.—Assistance may be provided to a country under section (a) in no more than three fiscal years.

(e) USE OF ASSISTANCE.—Assistance provided under this section shall be used to enhance the capability of the
recipient country to prevent the transport and trans-
shipment of items of proliferation concern in its national
territory or airspace, or in vessels under its control or reg-
istry, including through the development of a legal frame-
work in that country, consistent with any international
laws or legal authorities governing the PSI, to enhance
such capability by criminalizing proliferation, enacting
strict export controls, and securing sensitive materials
within its borders, and to enhance the ability of the recipi-
ent country to cooperate in operations conducted with
other participating countries.

(f) LIMITATION ON SHIP OR AIRCRAFT TRANSFERS
to UNCOOPERATIVE COUNTRIES.—Notwithstanding any
other provision of law, the United States may not transfer
any excess defense article that is a vessel or an aircraft
to a country that has not agreed that it will support and
assist efforts by the United States to interdict items of
proliferation concern until thirty days after the date on
which the President has provided notice of the proposed
transfer to the appropriate congressional committees in
accordance with the procedures applicable to reprogram-
ming notifications under section 634A(a) of the Foreign
Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition
to any other requirement of law.
Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1231. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress is aware that certain United States threat reduction and nonproliferation programs have in past years encountered obstacles to timely obligating and executing the full amount of appropriated funds, and that certain United States threat reduction and nonproliferation programs currently encounter such obstacles and therefore maintain unobligated and uncosted balances. Such obstacles include lack of effective policy guidance, limits on program scope, practical inefficiencies, lack of cooperation with other countries, and lack of effective leadership to overcome such obstacles.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States, consistent with the 9/11 Commission’s recommendations, to eliminate the obstacles described in subsection (a) with concrete measures, such as those described in this title, to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such measures described in this title include the removal and modification of statutory limits to executing funds, the expansion and
strengthening of the PSI, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle D, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E. As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this section will be executed in a timely manner.

SEC. 1232. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) Fiscal Year 2007.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2007 for the following purposes:

(1) Biological weapons proliferation prevention.

(2) Chemical weapons destruction at Shchuch’ye, Russia.

(3) Acceleration, expansion, and strengthening of all CTR activities.
(b) Future Years.—It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon enactment of this Act, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.

SEC. 1233. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Department of Energy National Nuclear Security Administration such sums as may be necessary for fiscal year 2007 for programs to prevent weapons of mass destruction (WMD) proliferation and terrorism, to be used as follows:

(1) To accelerate, expand, and strengthen the Global Threat Reduction Initiative (GTRI), with a particular emphasis on—

(A) the Russian research reactor fuel return program;

(B) international radiological threat reduction;
(C) emerging threats and gap material;

and

(D) development of quick response and short-term capabilities to secure and remove WMD materials throughout the world.

(2) To accelerate, expand, and strengthen the Nonproliferation and International Security (NIS) program, with a particular emphasis on—

(A) global security and engagement, and cooperation with the People’s Republic of China, India, and other states;

(B) activities to address emerging proliferation concerns in North Korea, Iran, and elsewhere;

(C) participation in negotiations regarding North Korea’s nuclear programs;

(D) inter-agency participation in the Proliferation Security Initiative (PSI);

(E) technical and other assistance to the International Atomic Energy Agency (IAEA) to support efforts to increase the IAEA’s capacity to secure vulnerable WMD materials worldwide and prevent WMD proliferation and terrorism;

(F) efforts to increase United States ability to help states around the world place the
“effective controls” on WMD and related materials and technology mandated by United Nations Security Council Resolution 1540 (2004);

(G) cooperation on international safeguards and export controls in South Asia, the Middle East, and other regions;

(H) efforts to strengthen United States commitments to international regimes and agreements; and

(I) establishment of a contingency fund for opportunities to prevent WMD proliferation and terrorism that arise.

(3) To accelerate, expand, and strengthen the International Materials Protection, Control and Accounting (MPC&A) program, with a particular emphasis on—

(A) implementation of physical protection and material control and accounting upgrades at sites;

(B) national programs and sustainability activities in Russia;

(C) material consolidation and conversion (including significant acceleration of the down-blending of highly-enriched uranium to low-enriched uranium, the removal of highly-enriched
uranium from facilities, and international participation in these efforts);

(D) efforts to strengthen cooperation with Russia;

(E) implementation of Second Line of Defense Megaports agreements;

(F) implementation of Department of Energy actions under the Security and Accountability for Every Port Act of 2006 (also known as the SAFE Port Act; Public Law 109–347);

and

(G) promoting and facilitating worldwide the promulgation of best practices for security of weapons usable and other nuclear materials.

(4) To accelerate, expand, and strengthen the Research and Development program, with a particular emphasis on—

(A) improvement of United States government capability for both short and long-term, and innovative, research and development that addresses emerging WMD proliferation and terrorism concerns and will maintain United States technological advantage, including the capacity to detect nuclear material origin, ura-
nium enrichment, and plutonium reprocessing;
and
(B) efforts to significantly expand the scientific research and development skills and resources available to the Department of Energy’s programs to prevent WMD proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1241. OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) Establishment.—There is established within the Executive Office of the President an office to be known as the “Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism” (in this subtitle referred to as the “Office”).

(b) Officers.—

(1) United States Coordinator.—The head of the Office shall be the United States Coordinator
of the Office (in this subtitle referred to as the “Coordinator”).

(2) Deputy United States Coordinator.—There shall be a Deputy United States Coordinator of the Office (in this subtitle referred to as the “Deputy Coordinator”), who shall—

(A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subtitle; and

(B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.

(3) Appointment.—The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.

(4) Limitation.—No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.

(c) Duties.—The responsibilities of the Coordinator shall include the following:

(1) Serving as the advisor to the President on all matters relating to the prevention of weapons of
mass destruction (WMD) proliferation and terrorism.

(2) Formulating a comprehensive and well-coordinated United States strategy and policies for preventing WMD proliferation and terrorism, including—

(A) measurable milestones and targets to which departments and agencies can be held accountable;

(B) identification of gaps, duplication, and other inefficiencies in existing activities, initiatives, and programs and the steps necessary to overcome these obstacles;

(C) plans for preserving the nuclear security investment the United States has made in Russia, the former Soviet Union, and other countries;

(D) prioritized plans to accelerate, strengthen, and expand the scope of existing initiatives and programs, which include identification of vulnerable sites and material and the corresponding actions necessary to eliminate such vulnerabilities;

(E) new and innovative initiatives and programs to address emerging challenges and
strengthen United States capabilities, including programs to attract and retain top scientists and engineers and strengthen the capabilities of United States national laboratories;

(F) plans to coordinate United States activities, initiatives, and programs relating to the prevention of WMD proliferation and terrorism, including those of the Department of Energy, Department of Defense, Department of State, and Department of Homeland Security, and including the Proliferation Security Initiative, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, United Nations Security Council Resolution 1540, and the Global Initiative to Combat Nuclear Terrorism;

(G) plans to strengthen United States commitments to international regimes and significantly improve cooperation with other countries relating to the prevention of WMD proliferation and terrorism, with particular emphasis on work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to interdict and prosecute smug-
glers of WMD material, as recommended by the
9/11 Commission; and

(H) identification of actions necessary to
implement the recommendations of the Com-
mission on the Prevention of Weapons of Mass
Destruction Proliferation and Terrorism estab-
lished under subtitle E of this title.

(3) Leading inter-agency coordination of United
States efforts to implement the strategy and policies
described in this section.

(4) Conducting oversight and evaluation of ac-
celerated and strengthened implementation of initia-
tives and programs to prevent WMD proliferation
and terrorism by relevant government departments
and agencies.

(5) Overseeing the development of a comprehen-
sive and coordinated budget for programs and initia-
tives to prevent WMD proliferation and terrorism,
ensuring that such budget adequately reflects the
priority of the challenges and is effectively executed,
and carrying out other appropriate budgetary au-
thorities.

(d) STAFF.—The Coordinator may appoint and ter-
minate such personnel as may be necessary to enable the
Coordinator to perform his or her duties.
(e) Consultation with Commission.—The Office and the Coordinator shall regularly consult with and strive to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, established under subtitle E of this title.

(f) Annual Report on Strategic Plan.—For fiscal year 2009 and each fiscal year thereafter, the Coordinator shall submit to Congress, at the same time as the submission of the budget for that fiscal year under title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation or the Office of the Coordinator.

SEC. 1242. REQUEST FOR CORRESPONDING RUSSIAN COORDINATOR.

It is the sense of the Congress that, as soon as practical, the President should personally request the President of the Russian Federation to designate an official of the Russian Federation having authorities and responsibilities for preventing weapons of mass destruction (WMD) proliferation and terrorism commensurate with those of the Coordinator, and with whom the Coordinator should
coordinate planning and implementation of activities in the Russian Federation having the purpose of preventing WMD proliferation and terrorism.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1251. COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

There is established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this subtitle referred to as the “Commission”).

SEC. 1252. PURPOSES.

(a) In general.—The purposes of the Commission are to—

(1) assess current activities, initiatives, and programs to prevent WMD proliferation and terrorism; and

(2) provide a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs.

(b) In particular.—The Commission shall give particular attention to activities, initiatives, and programs
to secure all nuclear weapons-usable material around the
world and to significantly accelerate, expand, and
strengthen, on an urgent basis, United States and inter-
national efforts to prevent, stop, and counter the spread
of nuclear weapons capabilities and related equipment,
material, and technology to terrorists and states of con-
cern.

SEC. 1253. COMPOSITION.

(a) MEMBERS.—The Commission shall be composed
of 9 members, of whom—

(1) 3 members shall be appointed by the Presi-
dent;

(2) 2 members shall be appointed by the major-
ity leader of the Senate;

(3) 1 member shall be appointed by the minor-
ity leader of the Senate;

(4) 2 members shall be appointed by the Speak-
er of the House of Representatives; and

(5) 1 member shall be appointed by the minor-
ity leader of the House of Representatives.

(b) CO-CHAIRMEN.—The Commission shall have two
co-chairmen designated from among the members of the
Commission. Of the co-chairmen—

(1) 1 shall be designated by the President; and
(2) I shall be designated jointly by the majority leader of the Senate and the Speaker of the House of Representatives.

(c) Deadline for Appointment.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.

(d) Initial Meeting.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(e) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the co-chairmen or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 1254. Responsibilities.

(a) In General.—The Commission shall address—

(1) the roles, missions, and structure of all relevant government departments, agencies, and other actors, including the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle D of this title;

(2) inter-agency coordination;
(3) United States commitments to international regimes and cooperation with other countries; and

(4) the threat of weapons of mass destruction proliferation and terrorism to the United States and its interests and allies, including the threat posed by black-market networks, and the effectiveness of the responses by the United States and the international community to such threats.

(b) FOLLOW-ON BAKER-CUTLER REPORT.—The Commission shall also reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled “A Report Card on the Department of Energy’s Nonproliferation Programs with Russia” of January 2001 (also known as the “Baker-Cutler Report”) and implementation of such recommendations.

SEC. 1255. POWERS.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designate subcommittee or designated member may determine advisable.
(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the co-chairmen, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—
(1) **GENERAL SERVICES ADMINISTRATION.**—

The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(2) **OTHER DEPARTMENTS AND AGENCIES.**—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

**SEC. 1256. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

(a) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) **PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.**—The Commission shall—
(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the report required under section 1257.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 1257. REPORT.

Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 1258. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this subtitle, shall terminate 60 days after the date on which the final report is submitted under section 1257.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees.
of Congress concerning its report and disseminating the final report.

TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

SEC. 1301. SHORT TITLE.

This title may be cited as the “Nuclear Black Market Counter-Terrorism Act of 2007”.

SEC. 1302. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) FOREIGN PERSON.—The term “foreign person”—

(A) means any person who is not a citizen or national of the United States or lawfully admitted to the United States for permanent resi-
dence under the Immigration and Nationality Act;

(B) includes any foreign corporation, international organization, or foreign government; and

(C) includes, for purposes of subsections (a) and (b) of section 1311, successors, assigns, subsidiaries, and subunits of the person described in subparagraph (A) or (B) (as the case may be), and other business organizations or associations in which that person may be deemed to have a controlling interest.

(3) PERSON.—The term “person”—

(A) means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, or subsidiary, subunit, or parent entity thereof, and any successor of any such entity; and

(B) in the case of a country where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), means all activities of that government relating to the
development or production of any nuclear
equipment or technology.

(4) United States foreign assistance.—
The term “United States foreign assistance” means
assistance under the foreign operations, export fi-
nancing, and related programs appropriations Act
for a fiscal year, and assistance under the Foreign

Subtitle A—Sanctions for Transfers
of Nuclear Enrichment, Reproc-
essing, and Weapons Tech-
nology, Equipment, and Mate-
rials Involving Foreign Persons
and Terrorists

SEC. 1311. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN
PERSONS.

(a) Determination of Nuclear Activities by
Foreign Persons.—

(1) Determination.—Notwithstanding any
other provision of law, the President shall impose
the sanctions described in subsection (b) whenever
the President determines that a foreign person, on
or after the date of the enactment of this Act, par-
ticipated in the export, transfer or trade of—
(A) nuclear enrichment or reprocessing equipment, materials, or technology to any non-nuclear-weapon state (as defined in section 102(c) of the Arms Export Control Act) that—

(i) does not possess functioning nuclear enrichment or reprocessing plants as of January 1, 2004; and

(ii)(I) does not have in force an additional protocol with the International Atomic Energy Agency for the application of safeguards (as derived from IAEA document INFCIRC/540 and related corrections and additions); or

(II) is developing, manufacturing, or acquiring a nuclear explosive device; or

(B) any nuclear explosive device, or design information or component, equipment, materials, or other items or technology that—

(i) is designated for national export controls under the Nuclear Supplier Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as IAEA document INFCIRC/254/Rev. 6/Part 1 and subsequent revisions) and the
Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology (published as IAEA document INFCIRC/254/Rev. 5/ Part 2 and subsequent revisions); and

(ii) contributes to the development, manufacture, or acquisition of a nuclear explosive device by—

(I) a non-nuclear weapon state;

or

(II) a foreign person.

(2) DEFINITION.—For purposes of paragraph (1), the term “participated” means sold, transferred, brokered, financed, assisted, delivered, or otherwise provided or received, and includes any conspiracy or attempt to engage in any of such activities, as well as facilitating such activities by any other person.

(b) SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person are the following:

(1) No assistance may be provided to the foreign person under the Foreign Assistance Act of 1961, and the foreign person may not participate in any assistance program of the United States Gov-
ernment. Any such assistance being provided to the foreign person, and any participation in such assistance program by the foreign person, on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(2) The United States Government may not export to the foreign person, or grant a license or other approval to export to or import from the foreign person of, any defense articles, defense services, or design or construction services under the Foreign Assistance Act of 1961 or the Arms Export Control Act. Any contract to export such articles or services, or license or approval to export or import, under either such Act, that is in effect on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(3) Licenses or any other approval may not be issued for the export to the foreign person of any goods or technology subject to the jurisdiction of the Export Administration Regulations under chapter VII of title 15, Code of Federal Regulations (or successor regulations), other than food and other agricultural commodities, medicines and medical equipment. Any such license or approval that is in effect on the on the date on which the sanction under this
paragraph is imposed, shall be terminated as of such date.

(4) No department or agency of the United States Government may procure, or enter into any contract for the procurement of, any goods or services from the foreign person. The Secretary of the Treasury shall prohibit the importation into the United States of goods, technology, or services produced or provided by the foreign person, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(e) Period Sanctions in Effect.—The sanctions referred to in subsection (b) should be imposed for not less than two years, but may be imposed for longer periods. The President may suspend after one year any sanction imposed pursuant to this section 15 days after submitting to the appropriate congressional committees a report explaining—

(1) the reasons for suspending the sanction;

(2) how the purposes of this title and United States national security are furthered by such suspension; and
(3) what measures the United States will take
or is taking to ensure that the foreign person will
not engage in similar activities in the future.

(d) WAIVER AUTHORITY.—The President may waive
the imposition of any sanction under subsection (b) if the
President certifies to the appropriate congressional com-
mittees that the waiver—

(1) is important to the national security inter-
ests of the United States; and

(2) would further the purposes of this title.

SEC. 1312. PRESIDENTIAL NOTIFICATION ON ACTIVITIES
OF FOREIGN PERSONS.

(a) REPORTS TO CONGRESS.—Not later than 180
days after the date of enactment of this Act, and not later
than January 31 of each year thereafter, the President
shall submit to the appropriate congressional committees
a report detailing any activity by any foreign person de-
scribed in section 1311. This report shall also include a
description of any sanctions that have been imposed and
their duration.

(b) PUBLICATION.—When the President imposes
sanctions under section 1311, the President shall, to the
maximum extent possible in unclassified form, publish in
the Federal Register, not later than 15 days after report-
ing such sanctions to the appropriate congressional com-
mittees under subsection (a), the identity of each sanctioned foreign person, the period for which sanctions will be in effect, and the reasons for the sanctions.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

SEC. 1321. FINDINGS.

The Congress finds the following:

(1) Foreign persons and corporations engaging in nuclear black-market activities are motivated by reasons of commercial gain and profit.

(2) Sanctions targeted solely against the business interests of the sanctioned person or business concern may be unsuccessful in halting these proliferation activities, as the sanctions may be seen merely as the cost of doing business, especially if the business interests of the parent or subsidiary corporate entities are unaffected by the sanctions.

(3) Such narrow targeting of sanctions creates the incentive to create shell and “carve-out” corporate entities to perform the proliferation activities and attract sanctions, leaving all other aspects of the larger corporation unaffected.
(4) To dissuade corporations from allowing their associated commercial entities or persons from engaging in proliferation black-market activities, they must also be made to suffer financial loss and commercial disadvantage, and parent and subsidiary commercial enterprises must be held responsible for the proliferation activities of their associated entities.

(5) If a corporation perceives that the United States Government will do everything possible to make its commercial activity difficult around the world, then that corporation has a powerful commercial incentive to prevent any further proliferation activity by its associated entities.

(6) Therefore, the United States Government should seek to increase the risk of commercial loss for associated corporate entities for the proliferation actions of their subsidiaries.

SEC. 1322. CAMPAIGN BY UNITED STATES GOVERNMENT OFFICIALS.

The President shall instruct all agencies of the United States Government to make every effort in their interactions with foreign government and business officials to persuade foreign governments and relevant corporations not to engage in any business transaction with a foreign
person sanctioned under section 1311, including any entity that is a parent or subsidiary of the sanctioned foreign person, for the duration of the sanctions.

SEC. 1323. COORDINATION.

The Secretary of State shall coordinate the actions of the United States Government under section 1322.

SEC. 1324. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State shall report to the appropriate congressional committees on the actions taken by the United States to carry out section 1322.

Subtitle C—Rollback of Nuclear Proliferation Networks

SEC. 1331. NONPROLIFERATION AS A CONDITION OF UNITED STATES ASSISTANCE.

United States foreign assistance should only be provided to countries that—

(1) are not cooperating with any non-nuclear-weapon state or any foreign group or individual who may be engaged in, planning, or assisting any international terrorist group in the development of a nuclear explosive device or its means of delivery and are taking all necessary measures to prevent their nationals and other persons and entities subject to
their jurisdiction from participating in such cooperation; and

(2) are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks or activities.

SEC. 1332. REPORT ON IDENTIFICATION OF NUCLEAR PROLIFERATION NETWORK HOST COUNTRIES.

(a) Report.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the President shall submit a report to the appropriate congressional committees that—

(A) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred in connection with the transactions of the nuclear proliferation network that supplied Libya, Iran, North Korea, and possibly other countries or entities; and

(B) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred for the purpose of supplying nuclear technology, equipment, or material to another country or foreign person that could, in the President’s judgment, contribute to the development, manufacture, or ac-
quisition, of a nuclear explosive device by a
country or foreign person of concern to the
United States

(2) ADDITIONAL INFORMATION.—The report
under paragraph (1) shall also include a description
of the extent to which each country described in the
report is, in the opinion of the President, fully co-
operating with the United States in its efforts to
eliminate the nuclear proliferation network described
in paragraph (1)(A) or stopping the activities de-
scribed in paragraph (1)(B). The President shall
base the determination regarding a country’s co-
operation with the United States in part on the de-
gree to which the country has satisfied United
States requests for assistance and information, in-
cluding whether the United States has asked and
been granted direct investigatory access to key per-
sons involved in the nuclear proliferation network
described in paragraph (1)(A) or the activities de-
scribed in paragraph (1)(B).

(b) CLASSIFICATION.—Reports under this section
shall be unclassified to the maximum extent possible.
SEC. 1333. SUSPENSION OF ARMS SALES LICENSES AND DELIVERIES TO NUCLEAR PROLIFERATION HOST COUNTRIES.

(a) SUSPENSION.—Upon submission of the report and any additional information under section 1332 to the appropriate congressional committees, the President shall suspend all licenses issued under the Arms Export Control Act, and shall prohibit any licenses to be issued under that Act, for exports to, or imports from, any country described in the report, unless the President certifies to the appropriate congressional committees that such country—

(1)(A) has fully investigated or is fully investigating the activities of any person or entity within its territory that has participated in the nuclear proliferation network described in section 1332(a)(1)(A) or the activities described in section 1332(a)(1)(B); and

(B) has taken or is taking effective steps to permanently halt similar illicit nuclear proliferation activities;

(2) has been or is fully cooperating with the United States and other appropriate international organizations in investigating and eliminating the nuclear proliferation network, any successor networks operating within its territory, or other illicit nuclear proliferation activities; and
(3) has enacted or is enacting new laws, promulgated decrees or regulations, or established practices designed to prevent future such activities from occurring within its territory.

(b) WAIVER.—The President may waive the requirements of subsection (a) in a fiscal year if—

(1) the President has certified to the appropriate congressional committees that the waiver is important to the national security of the United States; and

(2) at least 5 days have elapsed since making the certification under paragraph (1).

TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

SEC. 1401. SHORT TITLE; TABLE OF CONTENTS.
This title may be cited as the “9/11 Commission International Implementation Act of 2007”.

Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.

SEC. 1411. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:
(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that “[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism”.

(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government “should offer to join with other nations in generously supporting [spending funds] ... directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education”.

(3) While Congress endorsed such a program in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program has not been established.

(b) POLICY.—It is the policy of the United States—(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in Arab and predominantly
Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Arab and Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by section 1412 of this Act, with the goal of building and operating public primary and secondary schools in Arab and predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;

(3) to offer additional incentives to increase the availability of modern basic education in Arab and predominantly Muslim countries; and

(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

SEC. 1412. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.

Section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2228) is amended to read as follows:
SEC. 7114. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.

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

“(1) The United Nation’s 2003 Arab Human Development Report states that the quantitative expansion of Arab education remains incomplete. The report asserts that high rates of illiteracy, especially among women, persist. Children continue to be denied their basic right to elementary education. Higher education is characterized by decreasing enrollment rates compared to developed countries, and public expenditures on education has declined since 1985.

“(2) The UN report cities the decline in quality as the most significant challenge in the educational arena in Arab countries.

“(3) Researchers argue that curricula taught in Arab countries seem to encourage submission, obedience, subordination, and compliance, rather than free critical thinking.

“(4) Despite major efforts to improve preschool education in some Arab countries, the quality of education provided in kindergartens in the region does not fulfill the requirements for advancing and developing children’s capabilities in order to help socialize a creative and innovative generation.
“(5) Many factors in Arab countries adversely affect teachers’ capabilities, such as low salaries (which force educators in to take on other jobs that consume their energy and decrease the time they can devote to caring for their students), lack of facilities, poorly designed curricula, indifferent quality of teacher training, and overcrowded classes.

“(6) Educational attainments in Arab and non-Arab Muslim countries—from literacy rates to mathematical and science achievements—are well below global standards.

“(7) It is estimated that there are 65,000,000 illiterate adult Arabs, and two-thirds of them are women.

“(8) Educational enrollment for Arab countries rose from 31,000,000 children in 1980 to approximately 56,000,000 children in 1995. Yet despite this increase, 10,000,000 children between the ages of 6 and 15 are currently not in school.

“(9) In the Middle East, roughly 10,000,000 children still do not go to school.

“(10) Even though women’s access to education has tripled in Arab countries since 1970, gender disparities still persist. Illiteracy in Arab countries affects women disproportionately. Women make up
two-thirds of illiterate adults, with most living in rural areas.

“(11) The publication of books and other reading materials in Arab countries faces many major challenges, including the small number of readers due to high rates of illiteracy in some such countries and the weak purchasing power of the Arab reader. The limited readership in Arab countries is reflected in the small number of books published in such countries, which does not exceed 1.1 percent of world production, although Arabs constitute five percent of the world population.

“(12) The nexus between health and education in Arab countries is very strong. Gains in women’s education accounted for an estimated 43 percent reduction in child malnutrition between 1970 and 1995. Educated mothers are more likely to better space births, to have adequate prenatal care, and to immunize their children.

“(13) Many educational systems in Arab and non-Arab Muslim countries widen the gap between rich and poor: while rich students attend excellent private schools, poor children receive grossly inadequate schooling.
“(b) PURPOSE.—The purpose of this section is to strengthen the public educational systems in Arab and predominantly Muslim countries by—

“(1) authorizing the establishment of an International Arab and Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and

“(2) providing resources for the Fund to help strengthen the public educational systems in those countries.

“(c) ESTABLISHMENT OF FUND.—

“(1) AUTHORITY.—The President is authorized to establish an International Arab and Muslim Youth Opportunity Fund.

“(2) LOCATION.—The Fund may be established—

“(A) as a separate fund in the Treasury;

or

“(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations De-
velopment Program, or the International Bank
for Reconstruction and Development.

“(3) TRANSFERS AND RECEIPTS.—The head of
any department, agency, or instrumentality of the
United States Government may transfer any amount
to the Fund, and the Fund may receive funds from
private enterprises, foreign countries, or other enti-
ties.

“(4) ACTIVITIES OF THE FUND.—The Fund
shall support programs described in this paragraph
to improve the education environment in Arab and
predominantly Muslim countries.

“(A) ASSISTANCE TO ENHANCE MODERN
EDUCATIONAL PROGRAMS.—

“(i) The establishment in Arab and
predominantly Muslim countries of a pro-
gram of reform to create a modern edu-
cation curriculum in the public educational
systems in such countries.

“(ii) The establishment or moderniza-
tion of educational materials to advance a
modern educational curriculum in such
systems.

“(iii) Teaching English to adults and
children.
“(iv) The establishment in Arab and predominantly Muslim countries of programs that enhance accountability, transparency, and interaction on education policy in such countries between the national government and the regional and local governments through improved information sharing and monitoring.

“(v) The establishment in Arab and predominantly Muslim countries of programs to assist in the formulation of administration and planning strategies for all levels of government in such countries, including national, regional, and local governments.

“(vi) The enhancement in Arab and predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.

“(B) ASSISTANCE FOR TRAINING AND EXCHANGE PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND STUDENTS.—
“(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.

“(ii) The establishment of exchange programs for teachers and administrators in Arab and predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.

“(iii) The establishment of exchange programs for primary and secondary students in Muslim and Arab countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.

“(C) ASSISTANCE TARGETING PRIMARY AND SECONDARY STUDENTS.—

“(i) The establishment in Arab and predominantly Muslim countries of after-school programs, civic education programs,
and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.

“(ii) The establishment in Arab and predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.

“(D) ASSISTANCE FOR DEVELOPMENT OF YOUTH PROFESSIONALS.—

“(i) The establishment of programs in Arab and predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.

“(ii) The establishment of programs in Arab and predominantly Muslim countries that target older Muslim and Arab youths not in school in such areas as entrepreneurial skills, accounting, micro-finance activities, work training, financial literacy, and information technology.

“(E) OTHER TYPES OF ASSISTANCE.—
“(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.

“(ii) The construction and equipping of modern community and university libraries.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

“(C) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise available for such purposes.

“(6) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section and annually thereafter, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for Arab and
predominantly Muslim children and youths, including the progress made toward establishing the International Arab and Muslim Youth Opportunity Fund.

“(7) APPROPRIATE CONGRESSIONAL COMMIT-TEES DEFINED.—In this subsection, the term ‘appropriate congressional committees’ means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”.

SEC. 1413. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of Arab and predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism.

(b) CONTENTS.—Each report shall include—

(1) a list of Arab and predominantly Muslim countries that are making serious and sustained efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism;
(2) a list of such countries that are making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained;

(3) a list of such countries that are not making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism; and

(4) an assessment for each country specified in each of paragraphs (1), (2), and (3) of the role of United States assistance with respect to the efforts made or not made to improve the availability of modern basic education and close educational institutions that promote religious extremism and terrorism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.
SEC. 1414. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. Law 108–458) authorized the establishment of a pilot program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.

(2) Since the date of the enactment of that section, the Middle East Partnership Initiative has pursued implementation of that program.

(b) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(A) in the section heading—

(i) by striking “PILOT”; and

(ii) by inserting “ARAB AND” before

“PREDOMINANTLY MUSLIM”;
(B) in subsection (a)(2), by inserting “Arab and” before “predominantly Muslim”; 

(C) in subsection (b), in the matter preceding paragraph (1), by inserting “Arab and” before “predominantly Muslim”; 

(D) in subsection (c)—

(i) in the subsection heading, by striking “PILOT”; 

(ii) by striking “pilot”; and 

(iii) by striking “countries with predominantly Muslim populations” and inserting “Arab and predominantly Muslim countries”; 

(E) in subsection (d), by striking “pilot” each place it appears; 

(F) in subsection (f)—

(i) by striking “pilot”; and 

(ii) by inserting “an Arab or” before “a predominantly Muslim country”; 

(G) in subsection (g), in the first sentence—

(i) by inserting “and April 15, 2008,” after “April 15, 2006,”; and 

(ii) by striking “pilot”; and 

(H) in subsection (h)—
(i) by striking “2005 and 2006” inserting “2007 and 2008”; and
(ii) by striking “pilot”.

(2) Conforming Amendment.—Section 1(b) of such Act is amended, in the table of contents, by striking the item relating to section 7113 and inserting after section 7112 the following new item:

“7113. Program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries to provide scholarships.”.

Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries

SEC. 1421. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) Findings.—Congress finds the following:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms, poverty reduction, and broad-based economic growth can contribute to an environment that undercuts tendencies and condi-
tions that facilitate the rise of terrorist organiza-
tions.

(3) It is in the national security interests of the
United States to promote democracy, the rule of law,
good governance, sustainable development, a vig-
orous civil society, political freedom, protection of
minorities, independent media, women’s rights, pri-
ivate sector growth, and open economic systems in
the countries of the Middle East, Central Asia,
South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States
to—

(1) promote over the long-term, seizing oppor-
tunities whenever possible in the short term, democ-
raey, the rule of law, good governance, sustainable
development, a vigorous civil society, political free-
dom, protection of minorities, independent media,
women’s rights, private sector growth, and open eco-
nomic systems in the countries of the Middle East,
Central Asia, South Asia, and Southeast Asia;

(2) provide assistance and resources to individ-
uals and organizations in the countries of the Middle
East, Central Asia, South Asia, and Southeast Asia
that are committed to promoting such objectives and
to design strategies in conjunction with such individ-
uals and organizations; and

(3) work with other countries and international
organizations to increase the resources devoted to
promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of State
shall submit to appropriate congressional committees a re-
port with a country-by-country five year strategy to pro-
mote the policy of the United States described in sub-
section (b). Such report shall contain an estimate of the
funds necessary to implement such a strategy.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES
DEFINED.—In this section, the term “appropriate con-
gressional committees” means the Committee on Foreign
Affairs and the Committee on Appropriations of the
House of Representatives and the Committee on Foreign
Relations and the Committee on Appropriations of the
Senate.

SEC. 1422. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to
support, through the provision of grants, technical assist-
ance, training, and other programs, in the countries of the
Middle East, the expansion of—

(1) civil society;
(2) opportunities for political participation for all citizens;
(3) protections for internationally recognized human rights, including the rights of women;
(4) educational system reforms;
(5) independent media;
(6) policies that promote economic opportunities for citizens;
(7) the rule of law; and
(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, non-profit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the “Foundation”).

(2) FUNDING.—

(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants
and providing other assistance to entities to carry out programs for such purposes.

(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate prior to designating an appropriate organization as the Foundation.

(e) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).
(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policy-making in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or
(2) to impose any restriction on the Foundation’s acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) Limitation on Payments to Foundation Personnel.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) Retention of Interest.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and, only to the extent and in the amounts provided for in advance in appropriations Acts, may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States.

(g) Financial Accountability.—

(1) Independent Private Audits of the Foundation.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivi-
sion of the United States. The report of the inde-
pendent audit shall be included in the annual report
required by subsection (h).

(2) GAO AUDITS.—The financial transactions
undertaken pursuant to this section by the Founda-
tion may be audited by the Government Account-
ability Office in accordance with such principles and
procedures and under such rules and regulations as
may be prescribed by the Comptroller General of the
United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant
from the Foundation shall agree to permit an
audit of the books and records of such recipient
related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient
shall maintain appropriate books and records to
facilitate an audit referred to in subparagraph
(A), including—

(i) separate accounts with respect to
the grant funds;

(ii) records that fully disclose the use
of the grant funds;
(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs
and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) MIDDLE EAST.—The term “Middle East” means Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.

(j) EXPIRATION OF AUTHORITY.—The authority provided under this section shall expire on September 30, 2017.

(k) REPEAL.—Section 534(k) of Public Law 109–102 is repealed.

Subtitle C—Restoring United States Moral Leadership

SEC. 1431. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that, “Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large
audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(e) SPECIAL AUTHORITY FOR SURGE CAPACITY.—
The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:
“SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

“(a) EMERGENCY AUTHORITY.—

“(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other governmental entity of the United States to furnish the Broadcasting Board of Governors with the assistance of such department, agency, or entity based outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

“(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) shall supersede any other provision of law.

“(3) SURGE CAPACITY DEFINED.—In this subsection, the term ‘surge capacity’ means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

“(b) AUTHORIZATION OF APPROPRIATIONS.—
“(1) In General.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

“(2) Availability of Funds.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

“(3) Designation of Appropriations.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the ‘United States International Broadcasting Surge Capacity Fund’.

“(c) Report.—The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.

“(d) Authorization of Appropriations for United States International Broadcasting Activities.—

“(1) In General.—In addition to amounts otherwise available for such purposes, there are au-
authorized to be appropriated such sums as may be necessary to carry out United States Government broadcasting activities under this Act, including broadcasting capital improvements, the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277), and to carry out other authorities in law consistent with such purposes.

“(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.”.

SEC. 1432. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States and the policy goals
described in section 7112 of the Intelligence Reform and
Terrorism Prevention Act of 2004 (Public Law 108–458)
for expanding United States scholarship, exchange, and
library programs in Arab and predominantly Muslim coun-
tries. Such report shall include—

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

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

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

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

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

(b) TERMINATION OF DUTY TO REPORT.—The duty
to submit a report under subsection (a) shall terminate
when the Secretary of State submits a certification pursu-
ant to paragraph (1) of such subsection.
(c) **GAO Review of Certification.**—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on whether the recommendations referred to in subsection (a) have been implemented and whether the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved.

(d) **Definition.**—In this section, the term “appropriate congressional committees” means—

1. the Committee on Foreign Affairs and the Committee on Oversight and Government Reform of the House of Representatives; and
2. the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

**SEC. 1433. United States Policy Toward Detainees.**

(a) **Findings.**—Congress finds the following:

1. The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the “9/11 Commission”) declared that the United States “should work with friends to develop mutually agreed-on principles for the detention and hu-
mane treatment of captured international terrorists who are not being held under a particular country’s criminal laws” and recommended that the United States engage our allies “to develop a common coalition approach toward the detention and humane treatment of captured terrorists”, drawing from Common Article 3 of the Geneva Conventions.

(2) Congress has passed several provisions of law that have changed United States standards relating to United States detainees, but such provisions have not been part of a common coalition approach in this regard.

(3) A number of investigations remain ongoing by countries who are close United States allies in the war on terrorism regarding the conduct of officials, employees, and agents of the United States and of other countries related to conduct regarding detainees.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, in consultation with the Attorney General and the Secretary of Defense, shall submit to the relevant congressional committees a report on any progress towards implementing the recommendations of the 9/11 Commission for engaging
United States allies to develop a common coalition approach, in compliance with Common Article 3 of the Geneva Conventions, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorist operations. Such report shall include—

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

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

(A) the steps taken to implement such recommendations and achieve such policy goals;

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

(C) any allocation of resources or other actions by Congress that the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(e) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate
when the Secretary of State submits a certification pursuant to subsection (a)(1).

(d) GAO Review of Certification.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in such subsection have been achieved.

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

(1) with respect to the House of Representatives, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence; and

(2) with respect to the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence.
Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 1441. AFGHANISTAN.

(a) Statements of Policy.—The following shall be the policies of the United States:

(1) The United States shall vigorously support the Government of Afghanistan as it continues on its path toward a broad-based, pluralistic, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.

(2) In order to reduce the ability of the Taliban and Al-Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan and our NATO partners, and in consultation with Congress, to assess the success of the Afghan counternarcotics strategy in existence as of December 2006 and to explore all additional options for addressing the nar-
cotics crisis in Afghanistan, including possible
changes in rules of engagement for NATO and Coa-
lation forces for participation in actions against nar-
cotics trafficking and kingpins.

(b) STATEMENT OF CONGRESS.—Congress strongly
urges that the Afghanistan Freedom Support Act of 2002
be reauthorized and updated to take into account new de-
velopments in Afghanistan and in the region so as to dem-
onstrate the continued support by the United States for
the people and Government of Afghanistan.

(c) EMERGENCY INCREASE IN POLICING OPER-
ATIONS.—

(1) IN GENERAL.—The President shall make
every effort, on an emergency basis, to dramatically
increase the numbers of United States and inter-
national police trainers, mentors, and police per-
sonnel operating in conjunction with Afghanistan
civil security forces and shall increase efforts to as-
sist the Government of Afghanistan in addressing
the corruption crisis that is threatening to under-
mine Afghanistan’s future.

(2) REPORT.—Not later than 180 days after
the date of the enactment of this Act and every six
months thereafter until September 31, 2010, the
President shall submit to the Committee on Foreign
Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on United States efforts to fulfill the requirements of this subsection.

(d) EMERGENCY ENERGY ASSISTANCE.—

(1) FINDING.—Congress finds that short-term shortages of energy may destabilize the Government of Afghanistan and undermine the ability of President Karzai to carry out critically needed reforms.

(2) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance for the acquisition of emergency energy resources, including diesel fuel, to secure the delivery of electricity to Kabul, Afghanistan, and other major Afghan provinces and cities.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out paragraph (2) such sums as may be necessary for each of fiscal years 2008 and 2009.

SEC. 1442. PAKISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in help-
ing the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and the rule of law, particularly at the national level;

(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;

(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;

(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and
(H) effectively dealing with Islamic extremism.

(b) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for forces associated with the Taliban.

(2) To establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (H) of subsection (a)(2).

(3) To dramatically increase funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state, including significant steps towards free and fair parliamentary elections in 2007.

(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between
the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) Strategy Relating to Pakistan.—

(1) Requirement for report on strategy.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (F) of subsection (a)(2) and carry out the policies described in subsection (b) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) Appropriate congressional committees defined.—In this subsection the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(d) Limitation on United States Security Assistance to Pakistan.—

(1) Limitation.—
(A) IN GENERAL.—For fiscal years 2008 and 2009, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until 15 days after the date on which President determines and certifies to the appropriate congressional committees that the Government of Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(B) FORM.—The certification required by subparagraph (A) shall be transmitted in unclassified form, but may contain a classified annex.

(2) WAIVER.—The President may waive the limitation on assistance under paragraph (1) for a fiscal year if the President determines and certifies
to the appropriate congressional committees that it is important to the national security interest of the United States to do so.

(3) SUNSET.—The limitation on assistance under paragraph (1) shall cease to be effective beginning on the date on which the President determines and certifies to the appropriate congressional committees that the Taliban, or any related successor organization, has ceased to exist as an organization capable of conducting military, insurgent, or terrorist activities in Afghanistan from Pakistan.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(e) NUCLEAR PROLIFERATION.—

(1) FINDING.—Congress finds that Pakistan’s maintenance of a network for the proliferation of nuclear and missile technologies would be inconsistent with Pakistan being considered an ally of the United States.
(2) Sense of Congress.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2008—

(A) for “Development Assistance”, such sums as may be necessary to carry out the provisions of sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d);

(B) for the “Child Survival and Health Programs Fund”, such sums as may be necessary to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the “Economic Support Fund”, such sums as may be necessary to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c).
(D) for “International Narcotics Control
and Law Enforcement”, such sums as may be
necessary to carry out the provisions of chapter
8 of part I of the Foreign Assistance Act of
1961 (22 U.S.C. 2291 et seq.);

(E) for “Nonproliferation, Anti-Terrorism,
Demining and Related Programs”, such sums
as may be necessary;

(F) for “International Military Education
and Training”, such sums as may be necessary
to carry out the provisions of chapter 5 of part
II of the Foreign Assistance Act of 1961 (22
U.S.C. 2347 et seq.); and

(G) for “Foreign Military Financing Pro-
gram”, such sums as may be necessary to carry
out the provisions of section 23 of the Arms

(2) Other Funds.—Amounts authorized to be
appropriated under this subsection are in addition to
amounts otherwise available for such purposes.

(g) Extension of Waivers.—

(1) Amendments.—The Act entitled “An Act
to authorize the President to exercise waivers of for-
eign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes”, approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(A) in section 1(b)—

(i) in the heading, to read as follows:

“(b) Fiscal Years 2007 and 2008.—”; and

(ii) in paragraph (1), by striking “any provision” and all that follows through “that prohibits” and inserting “any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2007 or 2008 (or any other appropriations Act) that prohibits”;

(B) in section 3(2), by striking “Such provision” and all that follows through “as are” and inserting “Such provision of the annual foreign operations, export financing, and related programs appropriations Act for fiscal years 2002 through 2008 (or any other appropriations Act) as are”; and

(C) in section 6, by striking “the provisions” and all that follows and inserting “the
provisions of this Act shall terminate on October 1, 2008.’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2006.

(3) SENSE OF CONGRESS.—It is the sense of Congress that determinations to provide extensions of waivers of foreign assistance prohibitions with respect to Pakistan pursuant to Public Law 107–57 for fiscal years after the fiscal years specified in the amendments made by paragraph (1) to Public Law 107–57 should be informed by the pace of democratic reform, extension of the rule of law, and the conduct of the parliamentary elections currently scheduled for 2007 in Pakistan.

SEC. 1443. SAUDI ARABIA.

(a) FINDINGS.—Congress finds the following:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi
Arabia to combat international terrorists who operate within Saudi Arabia or who operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(b) Sense of Congress.—It is the sense of Congress that, in order to more effectively combat terrorism, the Government of Saudi Arabia must undertake and continue a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws, and regulation on terrorist financing.

(c) Statements of Policy.—The following shall be the policies of the United States:

(1) To engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues, such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both countries can publicly support.

(2) To enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political
leaders of such government are committed to making a serious, sustained effort to combat terrorism.

(3) To support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(d) STRATEGY RELATING TO SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the progress on the Strategic Dialogue (established by President George W. Bush and Crown Prince (now King) Abdullah in April 2005) between the United States and Saudi Arabia, including the progress made in such Dialogue toward implementing the long-term strategy of the United States to—

(A) engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) work with the Government of Saudi Arabia to combat terrorism, including through
effective prevention of the financing of terrorism by Saudi institutions and citizens.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.