

111TH CONGRESS
2^D SESSION

H. R. 4780

To require the head of an element of the intelligence community to provide to the Secretary of Defense any intelligence information obtained by such element that indicates the involvement of personnel of the Department of Defense with a terrorist organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2010

Mr. ROONEY (for himself, Mr. McKEON, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. CHAFFETZ, Mr. POSEY, Mr. GINGREY of Georgia, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. MANZULLO, Mr. LATTA, Mrs. BLACKBURN, Mr. AKIN, Mr. PITTS, Mr. BRADY of Texas, and Mr. GOHMERT) introduced the following bill; which was referred to the Select Committee on Intelligence (Permanent Select), and in addition to the Committee on Armed Services, 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 require the head of an element of the intelligence community to provide to the Secretary of Defense any intelligence information obtained by such element that indicates the involvement of personnel of the Department of Defense with a terrorist organization, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Terrorist Notification
3 Act of 2010”.

4 **SEC. 2. PROVISION OF CERTAIN INTELLIGENCE RELATED**
5 **TO MEMBERS OF THE ARMED FORCES AND**
6 **CIVILIAN EMPLOYEES AND CONTRACTORS OF**
7 **THE DEPARTMENT OF DEFENSE TO THE DE-**
8 **PARTMENT OF DEFENSE.**

9 (a) IN GENERAL.—Title I of the National Security
10 Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding
11 at the end the following new section:

12 “PROVISION OF CERTAIN INTELLIGENCE RELATED TO
13 MEMBERS OF THE ARMED FORCES AND CIVILIAN
14 EMPLOYEES AND CONTRACTORS OF THE DEPART-
15 MENT OF DEFENSE TO THE DEPARTMENT OF DE-
16 FENSE

17 “SEC. 120. (a) IN GENERAL.—Subject to subsection
18 (b), the head of an element of the intelligence community
19 shall provide to the Secretary of Defense any intelligence
20 information obtained by such element that indicates that
21 a member of the Armed Forces, a civilian employee of the
22 Department of Defense, or a Department of Defense con-
23 tractor employee has communicated with a person that
24 seeks to harm the United States or United States inter-
25 ests.

1 “(b) EXCEPTION.—The head of an element of the in-
2 telligence community may withhold information required
3 to be provided under subsection (a) if such head deter-
4 mines that providing such information in accordance with
5 such subsection would negatively affect an ongoing inves-
6 tigation.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in the first section of such Act is amended by inserting
9 after the item relating to section 119 the following new
10 item:

“Sec. 120. Provision of certain intelligence related to members of the Armed
Forces and civilian employees and contractors of the Depart-
ment of Defense to the Department of Defense.”.

11 **SEC. 3. DEPARTMENT OF DEFENSE RESPONSE TO INTEL-**
12 **LIGENCE INQUIRIES REGARDING MEMBERS**
13 **OF THE ARMED FORCES, CIVILIAN EMPLOY-**
14 **EES, AND CONTRACTOR PERSONNEL.**

15 (a) PROMPT RESPONSE TO INQUIRIES.—Chapter 80
16 of title 10, United States Code, is amended by inserting
17 after section 1564a the following new section:

18 **“§ 1564b. Response to intelligence inquiries regarding**
19 **members, civilian employees, and con-**
20 **tractor personnel**

21 “(a) PROMPT RESPONSE REQUIRED.—The Secretary
22 of Defense shall prescribe a process for expediting an offi-
23 cial response to any information submitted by an element
24 of the intelligence community indicating that a member

1 of the armed forces, a civilian employee of the Department
2 of Defense, or a Department of Defense contractor em-
3 ployee has communicated with a person that seeks to harm
4 the United States or United States interests.

5 “(b) RESPONSE GOAL.—To the maximum extent
6 practicable, the process prescribed under subsection (a)
7 shall seek to achieve a response time of not more than
8 24 hours after receiving information from an element of
9 the intelligence community described in such subsection.
10 At a minimum, the Secretary of Defense shall notify the
11 element of the intelligence community whether the contact
12 of the member of the armed forces, civilian employee of
13 the Department of Defense, or Department of Defense
14 contractor employee with a person that seeks to harm the
15 United States or United States interests is directly related
16 to the duties and assignments of the member or employee
17 within the Department of Defense.

18 “(c) ANNUAL REVIEW.—The Secretary of Defense
19 shall conduct an annual review of the process prescribed
20 under subsection (a) and shall revise that process as deter-
21 mined necessary in relation to ongoing Department of De-
22 fense missions.

23 “(d) CONSULTATION REQUIREMENT.—The Secretary
24 of Defense shall consult with the Secretaries of the mili-

1 tary departments and the heads of Defense Agencies in
2 carrying out this section.

3 “(e) REPORT.—The Secretary of Defense shall annu-
4 ally submit to Congress a report containing—

5 “(1) the number of instances in which an ele-
6 ment of the intelligence community has provided in-
7 formation to the Secretary of Defense indicating
8 that a member of the armed forces, a civilian em-
9 ployee of the Department of Defense, or a Depart-
10 ment of Defense contractor employee has commu-
11 nicated with a person that seeks to harm the United
12 States or United States interests during the pre-
13 ceding year; and

14 “(2) the results of each investigation conducted
15 by the Secretary with respect to the instances re-
16 ferred to in paragraph (1).

17 “(f) INTELLIGENCE COMMUNITY DEFINED.—In this
18 section, the term ‘intelligence community’ has the meaning
19 given such term in section 3(4) of the National Security
20 Act of 1947 (50 U.S.C. 401a(4)).”.

21 (b) INITIAL REPORT.—The first report required
22 under section 1564b(e) of title 10, United States Code,
23 as added by subsection (a) of this section, shall be sub-
24 mitted not later than one year after the date of the enact-
25 ment of this Act.

1 (c) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 1564a the following new
4 item:

“1564b. Response to intelligence inquiries regarding members, civilian employees, and contractor personnel.”.

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