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(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Mississippi (for himself, Mr. LANTOS, Mr. SKELTON, Mrs. GILLIBRAND, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on

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# A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Implementing the 9/  
5 11 Commission Recommendations Act of 2007”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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.  
Sec. 303. Responsibilities of Regional Administrators of the Federal Emergency  
Management Agency.

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 prohib-  
ited 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 Traf-  
ficking Center.

Subtitle B—International Collaboration to Prevent Terrorist Travel

- Sec. 611. Report on international collaboration to increase border security, en-  
hance global document security, and exchange terrorist infor-  
mation.

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.

Sec. 812. Authorities of the privacy officer of the Department of Homeland Security.

**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. 1241. 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. 1251. 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 Per-  
sons 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 coun-  
tries.  
Sec. 1333. Suspension of arms sales licenses and deliveries to nuclear prolifera-  
tion 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 pro-  
vide 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 pro-  
grams 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

Sec. 1441. Afghanistan.  
Sec. 1442. Pakistan.  
Sec. 1443. Saudi Arabia.

1 **TITLE I—RISK-BASED ALLOCA-**  
2 **TION OF HOMELAND SECUR-**  
3 **RITY GRANTS**

4 **SEC. 101. FIRST RESPONDERS HOMELAND SECURITY FUND-**  
5 **ING.**

6 (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.) is  
8 amended—

9 (1) in section 1(b) in the table of contents by  
10 striking the items relating to the second title XVIII,  
11 as added by section 501(b)(3) of Public Law 109–  
12 347, 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.”;

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

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

17 (A) by redesignating sections 1801  
18 through 1806 as sections 1901 through 1906,  
19 respectively;

1 (B) in section 1904(a) (6 U.S.C. 594(a)),  
2 as so redesignated, by striking “section 1802”  
3 and inserting “section 1902”; and

4 (C) in section 1906 (6 U.S.C. 596), as so  
5 redesignated, by striking “section 1802(a)”  
6 each place it appears and inserting “section  
7 1902(a)”;

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

“TITLE XX—FUNDING FOR FIRST RESPONDERS

“Sec. 2001. Definitions.

“Sec. 2002. Faster and Smarter Funding for First Responders.

“Sec. 2003. Covered grant eligibility and criteria.

“Sec. 2004. Risk-based evaluation and prioritization.

“Sec. 2005. Use of funds and accountability requirements.”; and

10 (5) by adding at the end the following:

11 **“TITLE XX—FUNDING FOR FIRST**  
12 **RESPONDERS**

13 **“SEC. 2001. DEFINITIONS.**

14 “In this title:

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

18 “(2) DIRECTLY ELIGIBLE TRIBE.—The term  
19 ‘directly eligible tribe’ means any Indian tribe or  
20 consortium of Indian tribes that—

21 “(A) meets the criteria for inclusion in the  
22 qualified applicant pool for Self-Governance

1 that are set forth in section 402(c) of the In-  
2 dian Self-Determination and Education Assist-  
3 ance Act (25 U.S.C. 458bb(c));

4 “(B) employs at least 10 full-time per-  
5 sonnel in a law enforcement or emergency re-  
6 sponse agency with the capacity to respond to  
7 calls for law enforcement or emergency services;  
8 and

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

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

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

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

20 “(3) ELEVATIONS IN THE THREAT ALERT  
21 LEVEL.—The term ‘elevations in the threat alert  
22 level’ means any designation (including those that  
23 are less than national in scope) that raises the  
24 homeland security threat level to either the highest  
25 or second highest threat level under the Homeland



1 Security Advisory System referred to in section  
2 201(d)(7).

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

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

15 “(6) REGION.—The term ‘region’ means—

16 “(A) any geographic area consisting of all  
17 or parts of 2 or more contiguous States that  
18 have a combined population of at least  
19 1,650,000 or have an area of not less than  
20 20,000 square miles, and that, for purposes of  
21 an application for a covered grant, is rep-  
22 resented by 1 or more governments or govern-  
23 mental agencies within such geographic area,  
24 and that is established by law or by agreement

1 of 2 or more such governments or governmental  
2 agencies in a mutual aid agreement; or

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

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

14 “(ii) the incorporated municipalities,  
15 counties, and parishes that they encom-  
16 pass.

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

22 “(8) CAPABILITIES.—The term ‘capabilities’  
23 shall have the same meaning that term has under  
24 title VIII.

1 **“SEC. 2002. FASTER AND SMARTER FUNDING FOR FIRST RE-**  
2 **SPONDERS.**

3 “(a) COVERED GRANTS.—This title applies to grants  
4 provided by the Department to States, urban areas, re-  
5 gions, or directly eligible tribes for the primary purpose  
6 of improving the ability of first responders to prevent, pre-  
7 pare for, respond to, mitigate against, or recover from  
8 threatened or actual terrorist attacks, especially those in-  
9 volving weapons of mass destruction, administered under  
10 the following:

11 “(1) STATE HOMELAND SECURITY GRANT PRO-  
12 GRAM.—The State Homeland Security Grant Pro-  
13 gram of the Department, or any successor to such  
14 grant program.

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

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

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

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

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

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

20       **“SEC. 2003. COVERED GRANT ELIGIBILITY AND CRITERIA.**

21       “(a) GRANT ELIGIBILITY.—

22           “(1) STATE, REGION, OR DIRECTLY ELIGIBLE  
23          TRIBE.—Any State, region, or directly eligible tribe  
24          shall be eligible to apply for a covered grant under

1 the programs referred to in paragraphs (1) and (3)  
2 of section 1802(a).

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

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

12 “(c) SUBMISSION OF STATE PREPAREDNESS RE-  
13 PORT.—

14 “(1) SUBMISSION REQUIRED.—The Secretary  
15 shall require that any State applying to the Sec-  
16 retary for a covered grant must submit State Pre-  
17 paredness Report specified in section 652(c) of the  
18 Department of Homeland Security Appropriations  
19 Act, 2007 (Public Law 109-295).

20 “(2) CONSULTATION.—The State report sub-  
21 mitted under paragraph (1) shall be developed in  
22 consultation with and subject to appropriate com-  
23 ment by local governments and first responders  
24 within the State.

25 “(d) CONSISTENCY WITH STATE PLANS.—

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

5           “(2) APPROVAL OF PLAN BY SECRETARY.—The  
6           Secretary may not award any covered grant to a  
7           State unless the Secretary has approved the applica-  
8           ble State homeland security plan.

9           “(3) REVISIONS.—A State may revise the appli-  
10          cable State homeland security plan approved by the  
11          Secretary under this subsection, subject to approval  
12          of the revision by the Secretary.

13          “(e) APPLICATION FOR GRANT.—

14                 “(1) IN GENERAL.—Except as otherwise pro-  
15                 vided in this subsection, any State, urban area, re-  
16                 gion, or directly eligible tribe may apply for a cov-  
17                 ered grant by submitting to the Secretary an appli-  
18                 cation at such time, in such manner, and containing  
19                 such information as is required under this sub-  
20                 section, or as the Secretary may reasonably require.

21                 “(2) DEADLINES FOR APPLICATIONS AND  
22                 AWARDS.—All applications for covered grants must  
23                 be submitted at such time as the Secretary may rea-  
24                 sonably require for the fiscal year for which they are  
25                 submitted. The Secretary shall award covered grants

1       pursuant to all approved applications for such fiscal  
2       year as soon as practicable, but not later than  
3       March 1 of such year.

4           “(3) AVAILABILITY OF FUNDS.—All funds  
5       awarded by the Secretary under covered grants in a  
6       fiscal year shall be available for obligation through  
7       the end of the subsequent fiscal year.

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

11           “(A) the purpose for which the applicant  
12      seeks covered grant funds and the reasons why  
13      the applicant needs the covered grant to meet  
14      the capabilities for terrorism preparedness with-  
15      in the State, urban area, region, or directly eli-  
16      gible tribe to which the application pertains;

17           “(B) a description of how, by reference to  
18      the applicable State homeland security plan or  
19      plans under subsection (c), the allocation of  
20      grant funding proposed in the application, in-  
21      cluding, where applicable, the amount not  
22      passed through under section 2005(g)(1), would  
23      assist in fulfilling the capabilities for terrorism  
24      preparedness specified in such plan or plans;

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

4           “(D) if the applicant is a State, a descrip-  
5 tion of how the State plans to allocate the cov-  
6 ered grant funds to local governments and In-  
7 dian tribes;

8           “(E) if the applicant is a region—

9               “(i) a precise geographical description  
10 of the region and a specification of all par-  
11 ticipating and nonparticipating local gov-  
12 ernments within the geographical area  
13 comprising that region;

14               “(ii) a specification of what govern-  
15 mental entity within the region will admin-  
16 ister the expenditure of funds under the  
17 covered grant; and

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

20           “(F) a capital budget showing how the ap-  
21 plicant intends to allocate and expend the cov-  
22 ered grant funds;

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



1           “(H) a statement of how the applicant in-  
2 tends to meet the matching requirement, if any,  
3 that applies under section 2005(g)(2).

4           “(5) REGIONAL APPLICATIONS.—

5           “(A) RELATIONSHIP TO STATE APPLICA-  
6 TIONS.—A regional application—

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

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

12           “(iii) shall address the unique regional  
13 aspects of such region’s terrorism pre-  
14 paredness needs beyond those provided for  
15 in the application of such State or States.

16           “(B) STATE REVIEW AND SUBMISSION.—

17           To ensure the consistency required under sub-  
18 section (d) and the coordination required under  
19 subparagraph (A) of this paragraph, an appli-  
20 cant that is a region must submit its applica-  
21 tion to each State of which any part is included  
22 in the region for review and concurrence prior  
23 to the submission of such application to the  
24 Secretary. The regional application shall be  
25 transmitted to the Secretary through each such

1 State within 30 days of its receipt, unless the  
2 Governor of such a State notifies the Secretary,  
3 in writing, that such regional application is in-  
4 consistent with the State's homeland security  
5 plan and provides an explanation of the reasons  
6 therefor.

7 “(C) DISTRIBUTION OF REGIONAL  
8 AWARDS.—If the Secretary approves a regional  
9 application, then the Secretary shall distribute  
10 a regional award to the State or States submit-  
11 ting the applicable regional application under  
12 subparagraph (B), and each such State shall,  
13 not later than the end of the 45-day period be-  
14 ginning on the date after receiving a regional  
15 award, pass through to the region all covered  
16 grant funds or resources purchased with such  
17 funds, except those funds necessary for the  
18 State to carry out its responsibilities with re-  
19 spect to such regional application: Provided,  
20 That in no such case shall the State or States  
21 pass through to the region less than 80 percent  
22 of the regional award.

23 “(D) CERTIFICATIONS REGARDING DIS-  
24 TRIBUTION OF GRANT FUNDS TO REGIONS.—  
25 Any State that receives a regional award under

1           subparagraph (C) shall certify to the Secretary,  
2           by not later than 30 days after the expiration  
3           of the period described in subparagraph (C)  
4           with respect to the grant, that the State has  
5           made available to the region the required funds  
6           and resources in accordance with subparagraph  
7           (C).

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

18          “(F) REGIONAL LIAISONS.—A regional li-  
19          aision designated under paragraph (4)(E)(iii)  
20          shall—

21                  “(i) coordinate with Federal, State,  
22                  local, regional, and private officials within  
23                  the region concerning terrorism prepared-  
24                  ness;

1                   “(ii) develop a process for receiving  
2                   input from Federal, State, local, regional,  
3                   and private sector officials within the re-  
4                   gion to assist in the development of the re-  
5                   gional application and to improve the re-  
6                   gion’s access to covered grants; and

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

11                  “(6) TRIBAL APPLICATIONS.—

12                  “(A) SUBMISSION TO THE STATE OR  
13                  STATES.—To ensure the consistency required  
14                  under subsection (d), an applicant that is a di-  
15                  rectly eligible tribe must submit its application  
16                  to each State within the boundaries of which  
17                  any part of such tribe is located for direct sub-  
18                  mission to the Department along with the appli-  
19                  cation of such State or States.

20                  “(B) OPPORTUNITY FOR STATE COM-  
21                  MENT.—Before awarding any covered grant to  
22                  a directly eligible tribe, the Secretary shall pro-  
23                  vide an opportunity to each State within the  
24                  boundaries of which any part of such tribe is lo-  
25                  cated to comment to the Secretary on the con-

1           sistency of the tribe’s application with the  
2           State’s homeland security plan. Any such com-  
3           ments shall be submitted to the Secretary con-  
4           currently with the submission of the State and  
5           tribal applications.

6           “(C) FINAL AUTHORITY.—The Secretary  
7           shall have final authority to determine the con-  
8           sistency of any application of a directly eligible  
9           tribe with the applicable State homeland secu-  
10          rity plan or plans, and to approve any applica-  
11          tion of such tribe. The Secretary shall notify  
12          each State within the boundaries of which any  
13          part of such tribe is located of the approval of  
14          an application by such tribe.

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

17                 “(i) coordinate with Federal, State,  
18                 local, regional, and private officials con-  
19                 cerning terrorism preparedness;

20                 “(ii) develop a process for receiving  
21                 input from Federal, State, local, regional,  
22                 and private sector officials to assist in the  
23                 development of the application of such  
24                 tribe and to improve the tribe’s access to  
25                 covered grants; and

1                   “(iii) administer, in consultation with  
2                   State, local, regional, and private officials,  
3                   covered grants awarded to such tribe.

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

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

19                  “(7) EQUIPMENT STANDARDS.—If an applicant  
20                  for a covered grant proposes to upgrade or purchase,  
21                  with assistance provided under the grant, new equip-  
22                  ment or systems that do not meet or exceed any ap-  
23                  plicable national voluntary consensus standards es-  
24                  tablished by the Secretary, the applicant shall in-  
25                  clude in the application an explanation of why such

1 equipment or systems will serve the needs of the ap-  
2 plicant better than equipment or systems that meet  
3 or exceed such standards.

4 **“SEC. 2004. RISK-BASED EVALUATION AND**  
5 **PRIORITIZATION.**

6 **“(a) PRIORITIZATION OF GRANT APPLICATIONS.—**

7 **“(1) FACTORS TO BE CONSIDERED.—**The Sec-  
8 retary shall evaluate and annually prioritize all  
9 pending applications for covered grants based upon  
10 the degree to which they would, by achieving, main-  
11 taining, or enhancing the capabilities of the appli-  
12 cants on a nationwide basis, lessen the threat to,  
13 vulnerability of, and consequences for persons (in-  
14 cluding transient commuting and tourist popu-  
15 lations) and critical infrastructure. Such evaluation  
16 and prioritization shall be based upon the most cur-  
17 rent risk assessment available by the Office of Intel-  
18 ligence Analysis and the Office of Infrastructure  
19 Protection of the threats of terrorism against the  
20 United States. In establishing criteria for evaluating  
21 and prioritizing applications for covered grants, the  
22 Secretary shall coordinate with the National Advi-  
23 sory Council established under section 508, the Di-  
24 rector of the Federal Emergency Management Agen-  
25 cy, the United States Fire Administrator, the Chief

1 Intelligence Officer of the Department, the Assistant  
2 Secretary for Infrastructure Protection, and other  
3 Department officials as determined by the Secretary.

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

9 “(A) Agriculture and food.

10 “(B) Banking and finance.

11 “(C) Chemical industries.

12 “(D) The defense industrial base.

13 “(E) Emergency services.

14 “(F) Energy.

15 “(G) Government facilities.

16 “(H) Postal and shipping.

17 “(I) Public health and health care.

18 “(J) Information technology.

19 “(K) Telecommunications.

20 “(L) Transportation systems.

21 “(M) Water.

22 “(N) Dams.

23 “(O) Commercial facilities.

24 “(P) National monuments and icons.



1       The order in which the critical infrastructure sectors  
2       are listed in this paragraph shall not be construed  
3       as an order of priority for consideration of the im-  
4       portance of such sectors.

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

10           “(A) Biological threats.

11           “(B) Nuclear threats.

12           “(C) Radiological threats.

13           “(D) Incendiary threats.

14           “(E) Chemical threats.

15           “(F) Explosives.

16           “(G) Suicide bombers.

17           “(H) Cyber threats.

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

21       The order in which the types of threat are listed in  
22       this paragraph shall not be construed as an order of  
23       priority for consideration of the importance of such  
24       threats.

1           “(4) CONSIDERATION OF ADDITIONAL FAC-  
2           TORS.—The Secretary shall take into account any  
3           other specific threat to a population (including a  
4           transient commuting or tourist population) or crit-  
5           ical infrastructure sector that the Board has deter-  
6           mined to exist. In evaluating the threat to a popu-  
7           lation or critical infrastructure sector, the Secretary  
8           shall give greater weight to threats of terrorism  
9           based upon their specificity and credibility, including  
10          any pattern of repetition.

11          “(5) MINIMUM AMOUNTS.—After evaluating  
12          and prioritizing grant applications under paragraph  
13          (1), the Department shall ensure that, for each fis-  
14          cal year—

15                 “(A) each of the States, other than the  
16                 Virgin Islands, American Samoa, Guam, and  
17                 the Northern Mariana Islands, that has an ap-  
18                 proved State homeland security plan receives no  
19                 less than 0.25 percent of the funds available for  
20                 covered grants for that fiscal year for purposes  
21                 of implementing its homeland security plan;

22                 “(B) each of the States, other than the  
23                 Virgin Islands, American Samoa, Guam, and  
24                 the Northern Mariana Islands, that has an ap-  
25                 proved State homeland security plan and that

1           meets one or both of the additional high-risk  
2           qualifying criteria under paragraph (6) receives  
3           no less than 0.45 percent of the funds available  
4           for covered grants for that fiscal year for pur-  
5           poses of implementing its homeland security  
6           plan;

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

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



1           “(1) purchasing or upgrading equipment, in-  
2           cluding computer hardware and software, to enhance  
3           terrorism preparedness;

4           “(2) exercises to strengthen terrorism prepared-  
5           ness;

6           “(3) training for prevention (including detec-  
7           tion) of, preparedness for, response to, or recovery  
8           from attacks involving weapons of mass destruction,  
9           including training in the use of equipment and com-  
10          puter software;

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

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

17          “(6) systems architecture and engineering, pro-  
18          gram planning and management, strategy formula-  
19          tion and strategic planning, life-cycle systems de-  
20          sign, product and technology evaluation, and proto-  
21          type development for terrorism preparedness pur-  
22          poses;

23          “(7) additional personnel costs resulting from—

24                 “(A) elevations in the threat alert level of  
25                 the Homeland Security Advisory System by the

1 Secretary, or a similar elevation in threat alert  
2 level issued by a State, region, or local govern-  
3 ment with the approval of the Secretary;

4 “(B) travel to and participation in exer-  
5 cises and training in the use of equipment and  
6 on prevention activities;

7 “(C) the temporary replacement of per-  
8 sonnel during any period of travel to and par-  
9 ticipation in exercises and training in the use of  
10 equipment and on prevention activities; and

11 “(D) the hiring of staff to serve as intel-  
12 ligence analysts to strengthen information and  
13 intelligence sharing capabilities;

14 “(8) the costs of equipment (including software)  
15 required to receive, transmit, handle, and store clas-  
16 sified information;

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

25 “(A) \$1,000,000 per project; or

1           “(B) such greater amount as may be ap-  
2           proved by the Secretary, which may not exceed  
3           10 percent of the total amount of the covered  
4           grant;

5           “(10) the costs of commercially available inter-  
6           operable communications equipment (that, where ap-  
7           plicable, is based on national, voluntary consensus  
8           standards) that the Secretary, in consultation with  
9           the Assistant Secretary for Emergency Communica-  
10          tions, deems best suited to facilitate interoperability,  
11          coordination, and integration between and among  
12          emergency communications systems, and that com-  
13          plies with prevailing grant guidance of the Depart-  
14          ment for interoperable communications;

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

18          “(12) training and exercises to assist public ele-  
19          mentary and secondary schools in developing and  
20          implementing programs to instruct students regard-  
21          ing age-appropriate skills to prevent, prepare for, re-  
22          spond to, mitigate against, or recover from an act of  
23          terrorism;

24          “(13) paying of administrative expenses directly  
25          related to administration of the grant, except that

1 such expenses may not exceed 3 percent of the  
2 amount of the grant;

3 “(14) Public safety answering points;

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

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

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

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

13 “(2) to construct buildings or other physical fa-  
14 cilities;

15 “(3) to acquire land; or

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

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

21 “(1) The individual has successfully completed  
22 training that meets the standards of the Inter-  
23 national Association of Law Enforcement Intel-  
24 ligence Analysts to ensure baseline proficiency in in-  
25 telligence analysis and production.



1           “(2) The individual has previously served in a  
2           Federal intelligence agency as an intelligence analyst  
3           for at least two years.

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

11          “(e) REIMBURSEMENT OF COSTS.—

12           “(1) PAID-ON-CALL OR VOLUNTEER REIM-  
13          BURSEMENT.—In addition to the activities described  
14          in subsection (a), a covered grant may be used to  
15          provide a reasonable stipend to paid-on-call or volun-  
16          teer first responders who are not otherwise com-  
17          pensated for travel to or participation in training  
18          covered by this section. Any such reimbursement  
19          shall not be considered compensation for purposes of  
20          rendering such a first responder an employee under  
21          the Fair Labor Standards Act of 1938 (29 U.S.C.  
22          201 et seq.).

23           “(2) PERFORMANCE OF FEDERAL DUTY.—An  
24          applicant for a covered grant may petition the Sec-  
25          retary for the reimbursement of the cost of any ac-

1           tivity relating to prevention (including detection) of,  
2           preparedness for, response to, or recovery from acts  
3           of terrorism that is a Federal duty and usually per-  
4           formed by a Federal agency, and that is being per-  
5           formed by a State or local government (or both)  
6           under agreement with a Federal agency.

7           “(f) ASSISTANCE REQUIREMENT.—The Secretary  
8           may not require that equipment paid for, wholly or in part,  
9           with funds provided as a covered grant be made available  
10          for responding to emergencies in surrounding States, re-  
11          gions, and localities, unless the Secretary undertakes to  
12          pay the costs directly attributable to transporting and op-  
13          erating such equipment during such response.

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

22          “(h) STATE, REGIONAL, AND TRIBAL RESPONSIBIL-  
23          ITIES.—

24                  “(1) PASS-THROUGH.—The Secretary shall re-  
25          quire a recipient of a covered grant that is a State

1 to obligate or otherwise make available to local gov-  
2 ernments, first responders, and other local groups,  
3 to the extent required under the State homeland se-  
4 curity plan or plans specified in the application for  
5 the grant, not less than 80 percent of the grant  
6 funds, resources purchased with the grant funds  
7 having a value equal to at least 80 percent of the  
8 amount of the grant, or a combination thereof, by  
9 not later than the end of the 45-day period begin-  
10 ning on the date the grant recipient receives the  
11 grant funds.

12 “(2) COST SHARING.—

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

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

24 “(C) IN-KIND MATCHING.—Each recipient  
25 of a covered grant may meet the matching re-

1           requirement under subparagraph (A) by making  
2           in-kind contributions of goods or services that  
3           are directly linked with the purpose for which  
4           the grant is made, including, but not limited to,  
5           any necessary personnel overtime, contractor  
6           services, administrative costs, equipment fuel  
7           and maintenance, and rental space.

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

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

1           “(A) the amount obligated to that recipient  
2           in that quarter;

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

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

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

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

22                 “(B) The amount and the dates of dis-  
23                 bursements of all such funds expended in com-  
24                 pliance with paragraph (1) or pursuant to mu-  
25                 tual aid agreements or other sharing arrange-

1           ments that apply within the State, region, or di-  
2           rectly eligible tribe, as applicable, during the  
3           previous fiscal year.

4           “(C) How the funds were utilized by each  
5           ultimate recipient or beneficiary during the pre-  
6           ceding fiscal year.

7           “(D) The extent to which capabilities iden-  
8           tified in the applicable State homeland security  
9           plan or plans were achieved, maintained, or en-  
10          hanced as the result of the expenditure of grant  
11          funds during the preceding fiscal year.

12          “(E) The extent to which capabilities iden-  
13          tified in the applicable State homeland security  
14          plan or plans remain unmet.

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

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

24          “(1) PENALTIES FOR DELAY IN PASSING  
25          THROUGH LOCAL SHARE.—If a recipient of a cov-

1       ered grant that is a State fails to pass through to  
2       local governments, first responders, and other local  
3       groups funds or resources required by subsection  
4       (g)(1) within 45 days after receiving funds under  
5       the grant, the Secretary may—

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

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

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

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

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

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

11           “(2) EXTENSION OF PERIOD.—The Governor of  
12          a State may request in writing that the Secretary  
13          extend the 45-day period under section  
14          2003(e)(5)(E) or paragraph (1) for an additional  
15          15-day period. The Secretary may approve such a  
16          request, and may extend such period for additional  
17          15-day periods, if the Secretary determines that the  
18          resulting delay in providing grant funding to the  
19          local government entities that will receive funding  
20          under the grant will not have a significant detri-  
21          mental impact on such entities’ terrorism prepared-  
22          ness efforts.

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



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

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

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

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

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

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

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

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

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

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

12           “(i) shall not affect any payment to  
13           another local government under this para-  
14           graph; and

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

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

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

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

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

10          “(3) describing—

11           “(A) the Nation’s progress in achieving,  
12 maintaining, and enhancing the capabilities es-  
13 tablished by the Secretary as a result of the ex-  
14 penditure of covered grant funds during the  
15 preceding fiscal year; and

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

1 **TITLE II—ENSURING COMMU-**  
2 **NICATIONS INTEROPER-**  
3 **ABILITY FOR FIRST RE-**  
4 **SPONDERS**

5 **SEC. 201. IMPROVE COMMUNICATIONS FOR EMERGENCY**  
6 **RESPONSE GRANT PROGRAM.**

7 (a) ESTABLISHMENT.—Title V of the Homeland Se-  
8 curity Act of 2002 (6 U.S.C. 311 et seq.) is amended by  
9 adding at the end the following new section:

10 **“SEC. 522. IMPROVE COMMUNICATIONS FOR EMERGENCY**  
11 **RESPONSE GRANT PROGRAM.**

12 “(a) ESTABLISHMENT.—The Secretary, acting  
13 through the Director of the Office of Grants and Training  
14 and in coordination with the Director for Emergency Com-  
15 munications, shall establish the Improve Communications  
16 for Emergency Response Grant Program to make grants  
17 to States and regions to carry out initiatives to improve  
18 interoperable emergency communications, including initia-  
19 tives to achieve solutions to statewide, regional, national,  
20 and, where appropriate, international interoperability.

21 “(b) USE OF GRANT FUNDS.—A State or region re-  
22 ceiving a grant under this section may use the grant for  
23 short-term or long-term goals for improving interoperable  
24 emergency communications, including interoperability  
25 within that State or region, and to assist with—

1           “(1) statewide or regional communications  
2           planning;

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

5           “(3) procurement and installation of interoper-  
6           able emergency communications equipment;

7           “(4) interoperable emergency communications  
8           exercises;

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

11          “(6) technical assistance and training for inter-  
12          operable emergency communications; and

13          “(7) other activities determined by the Sec-  
14          retary to be integral to interoperable emergency  
15          communications.

16          “(c) REGION DEFINED.—For the purposes of this  
17          section, the term ‘region’ means any combination of con-  
18          tiguous local government units, including such a combina-  
19          tion established by law or mutual aid agreement between  
20          two or more local governments or governmental agen-  
21          cies.”.

22          (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
23          authorized to be appropriated to the Secretary of Home-  
24          land Security for grants under section 522 of the Home-  
25          land Security Act of 2002, as added by subsection (a)—

1           (1) such sums as may be necessary for the first  
2           fiscal year that begins after the later of—

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

8                   (B) the date on which the Secretary of  
9           Homeland Security completes and submits to  
10          Congress the first baseline interoperability as-  
11          sessment required under section 1803 of such  
12          Act (6 U.S.C. 573); or

13                   (C) the date on which the Secretary of  
14          Homeland Security, after consultation with the  
15          Director of Emergency Communications, deter-  
16          mines and notifies Congress that substantial  
17          progress has been made towards the develop-  
18          ment and promulgation of voluntary consensus-  
19          based interoperable communications standards  
20          pursuant to section 1801(c)(11) of such Act (6  
21          U.S.C. 571(c)(11)); and

22           (2) such sums as may be necessary for each  
23          subsequent fiscal year.

1 (c) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of that Act is amended by inserting after  
3 the item relating to section 521 the following:

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

4 **TITLE III—STRENGTHENING USE**  
5 **OF A UNIFIED INCIDENT COM-**  
6 **MAND DURING EMERGENCIES**

7 **SEC. 301. NATIONAL EXERCISE PROGRAM DESIGN.**

8 Section 648(b)(2)(A) of the Department of Home-  
9 land Security Appropriations Act, 2007 (Public Law 109–  
10 295) is amended by striking clauses (iv) and (v) and in-  
11 serting the following:

12 “(iv) designed to provide for system-  
13 atic evaluation of readiness and enhance  
14 operational understanding of the Incident  
15 Command System and relevant mutual aid  
16 agreements;

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

20 “(vi) designed to include the prompt  
21 development of after-action reports and  
22 plans for quickly incorporating lessons  
23 learned into future operations; and”.

1 **SEC. 302. NATIONAL EXERCISE PROGRAM MODEL EXER-**  
2 **CISES.**

3 Section 648(b)(2)(B) of the Department of Home-  
4 land Security Appropriations Act, 2007 (Public Law 109-  
5 295) is amended by striking so much as precedes clause  
6 (i) and inserting the following:

7 “(B) shall include a selection of model ex-  
8 ercises that State, local, and tribal governments  
9 can readily adapt for use, and shall provide as-  
10 sistance to State, local, and tribal governments  
11 with the design, implementation, and evaluation  
12 of exercises, whether a model exercise program  
13 or an exercise designed locally, that—”.

14 **SEC. 303. RESPONSIBILITIES OF REGIONAL ADMINISTRA-**  
15 **TORS OF THE FEDERAL EMERGENCY MAN-**  
16 **AGEMENT AGENCY.**

17 Section 507(c)(2) of the Homeland Security Act of  
18 2002 (enacted by section 611 of the Department of Home-  
19 land Security Appropriations Act, 2007 (Public Law 109-  
20 295)) is amended by striking “and” after the semicolon  
21 at the end of subparagraph (H), by redesignating subpara-  
22 graph (I) as subparagraph (J), and by inserting after sub-  
23 paragraph (H) the following:

24 “(I) assisting State, local, or tribal govern-  
25 ments, where appropriate, to pre-identify and  
26 evaluate suitable sites where a multi-jurisdic-



1           tional unified command system can be quickly  
2           established if the need for such a system arises;  
3           and”.

4           **TITLE IV—STRENGTHENING**  
5           **AVIATION SECURITY**

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

8           Not later than 30 days after the date of enactment  
9           of this Act, the Secretary for Homeland Security shall  
10          submit to the appropriate congressional committees the  
11          cost sharing study described in section 4019(d) of the In-  
12          telligence Reform and Terrorism Prevention Act of 2004  
13          (118 Stat. 3722), together with the Secretary’s analysis  
14          of the study, a list of provisions of the study the Secretary  
15          intends to implement, and a plan and schedule for imple-  
16          mentation of such listed provisions.

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

18          (a) IN GENERAL.—Section 44923(h)(1) of title 49,  
19          United States Code, is amended in the second sentence  
20          by striking “2007” and inserting “2011”.

21          (b) DISCRETIONARY GRANTS.—Section 44923(h)(3)  
22          of such title is amended by striking “for a fiscal year,  
23          \$125,000,000” and inserting “, \$125,000,000 for each of  
24          fiscal years 2004, 2005, and 2006 and such sums as may  
25          be necessary for each of fiscal years 2007 through 2011”.

1 **SEC. 403. AIRPORT CHECKPOINT SCREENING EXPLOSIVE**  
2 **DETECTION.**

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

5 (1) in subsection (d)(4) by inserting “, other  
6 than subsection (i),” before “except to”; and

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

8 “(i) CHECKPOINT SCREENING SECURITY FUND.—

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

12 “(2) DEPOSITS.—In fiscal year 2008, after  
13 amounts are made available under section 44923(h),  
14 the next \$250,000,000 derived from fees received  
15 under subsection (a)(1) shall be available to be de-  
16 posited in the Fund.

17 “(3) FEES.—The Secretary of Homeland Secu-  
18 rity shall impose the fee authorized by subsection  
19 (a)(1) so as to collect at least \$250,000,000 in fiscal  
20 year 2008 for deposit into the Fund.

21 “(4) AVAILABILITY OF AMOUNTS.—Amounts in  
22 the Fund shall be available until expended for the  
23 research, development, purchase, deployment, and  
24 installation of equipment to improve the ability of  
25 security screening personnel at screening check-  
26 points to detect explosives.”.

1 **SEC. 404. STRENGTHENING EXPLOSIVE DETECTION AT AIR-**  
2 **PORT SCREENING CHECKPOINTS.**

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

10 **SEC. 405. EXTENSION OF AUTHORIZATION OF AVIATION SE-**  
11 **CURITY FUNDING.**

12 Section 48301(a) of title 49, United States Code, is  
13 amended by striking “and 2006” and inserting “2006,  
14 2007, 2008, 2009, 2010, and 2011”.

15 **SEC. 406. INSPECTION OF CARGO CARRIED ABOARD PAS-**  
16 **SENGER AIRCRAFT.**

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

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

21 (2) by inserting after subsection (f) the fol-  
22 lowing:

23 “(g) AIR CARGO ON PASSENGER AIRCRAFT.—

24 “(1) IN GENERAL.—Not later than 3 years  
25 after the date of enactment of the Implementing the  
26 9/11 Commission Recommendations Act of 2007, the

1 Secretary of Homeland Security shall establish a  
2 system to inspect 100 percent of cargo transported  
3 on passenger aircraft operated by an air carrier or  
4 foreign air carrier in air transportation or intrastate  
5 air transportation to ensure the security of all such  
6 passenger aircraft carrying cargo.

7 “(2) MINIMUM STANDARDS.—The system re-  
8 ferred to in paragraph (1) shall require, at a min-  
9 imum, that equipment, technology, procedures, and  
10 personnel are used to inspect cargo carried on pas-  
11 senger aircraft to provide a level of security equiva-  
12 lent to the level of security for the inspection of pas-  
13 senger checked baggage as follows:

14 “(A) 35 percent of such cargo is so in-  
15 spected by the end of fiscal year 2007.

16 “(B) 65 percent of such cargo is so in-  
17 spected by the end of fiscal year 2008.

18 “(C) 100 percent of such cargo is so in-  
19 spected by the end of fiscal year 2009.

20 “(3) REGULATIONS.—

21 “(A) INTERIM FINAL RULE.—The Sec-  
22 retary of Homeland Security may issue an in-  
23 terim final rule as a temporary regulation to  
24 implement this subsection without regard to the  
25 provisions of chapter 5 of title 5.

1 “(B) FINAL RULE.—

2 “(i) IN GENERAL.—If the Secretary  
3 issues an interim final rule under subpara-  
4 graph (A), the Secretary shall issue, not  
5 later than one year after the effective date  
6 of the interim final rule, a final rule as a  
7 permanent regulation to implement this  
8 subsection in accordance with the provi-  
9 sions of chapter 5 of title 5.

10 “(ii) FAILURE TO ACT.—If the Sec-  
11 retary does not issue a final rule in accord-  
12 ance with clause (i) on or before the last  
13 day of the 1-year period referred to in  
14 clause (i), the interim final rule issued  
15 under subparagraph (A) shall not be effec-  
16 tive after the last day of such period.

17 “(iii) SUPERCEDING OF INTERIM  
18 FINAL RULE.—The final rule issued in ac-  
19 cordance with this subparagraph shall su-  
20 persede the interim final rule issued under  
21 subparagraph (A).

22 “(4) REPORT.—Not later than 1 year after the  
23 date of establishment of the system under paragraph  
24 (1), the Secretary shall transmit to Congress a re-  
25 port that describes the system.”

1 (b) ASSESSMENT OF EXEMPTIONS.—

2 (1) TSA ASSESSMENT OF EXEMPTIONS.—

3 (A) IN GENERAL.—Not later than 120  
4 days after the date of enactment of this Act,  
5 the Secretary of Homeland Security shall sub-  
6 mit to the appropriate committees of Congress  
7 and to the Comptroller General a report regard-  
8 ing an assessment of each exemption granted  
9 for inspection of air cargo and an analysis to  
10 assess the risk of maintaining such exemption.

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

13 (i) the rationale for each exemption;

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

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

18 (iv) the projected impact on the flow  
19 of commerce of eliminating each exemp-  
20 tion, respectively, should the Secretary  
21 choose to take such action; and

22 (v) plans and rationale for maintain-  
23 ing, changing, or eliminating each exemp-  
24 tion.

1           (2) GAO ASSESSMENT.—Not later than 120  
2       days after the date on which the report under para-  
3       graph (1) is submitted, the Comptroller General  
4       shall review the report and provide to Congress an  
5       assessment of the methodology of determinations  
6       made by the Secretary for maintaining, changing, or  
7       eliminating an exemption.

8   **SEC. 407. APPEAL AND REDRESS PROCESS FOR PAS-**  
9                   **SENGERS WRONGLY DELAYED OR PROHIB-**  
10                   **ITED FROM BOARDING A FLIGHT.**

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

14   **“SEC. 432. APPEAL AND REDRESS PROCESS FOR PAS-**  
15                   **SENGERS WRONGLY DELAYED OR PROHIB-**  
16                   **ITED FROM BOARDING A FLIGHT.**

17       “(a) IN GENERAL.—The Secretary shall establish a  
18       timely and fair process for individuals who believe they  
19       have been delayed or prohibited from boarding a commer-  
20       cial aircraft because they were wrongly identified as a  
21       threat under the regimes utilized by the Transportation  
22       Security Administration, the Bureau of Customs and Bor-  
23       der Protection, or any other Department entity.

24       “(b) OFFICE OF APPEALS AND REDRESS.—

1           “(1) ESTABLISHMENT.—The Secretary shall es-  
2           tablish an Office of Appeals and Redress to oversee  
3           the process established by the Secretary pursuant to  
4           subsection (a).

5           “(2) RECORDS.—The process established by the  
6           Secretary pursuant to subsection (a) shall include  
7           the establishment of a method by which the Office  
8           of Appeals and Redress, under the direction of the  
9           Secretary, will be able to maintain a record of air  
10          carrier passengers and other individuals who have  
11          been misidentified and have corrected erroneous in-  
12          formation.

13          “(3) INFORMATION.—To prevent repeated  
14          delays of a misidentified passenger or other indi-  
15          vidual, the Office of Appeals and Redress shall—

16                 “(A) ensure that the records maintained  
17                 under this subsection contain information deter-  
18                 mined by the Secretary to authenticate the  
19                 identity of such a passenger or individual; and

20                 “(B) furnish to the Transportation Secu-  
21                 rity Administration, the Bureau of Customs  
22                 and Border Protection, or any other appro-  
23                 priate Department entity, upon request, such  
24                 information as may be necessary to allow such  
25                 agencies to assist air carriers in improving their



1 administration of the advanced passenger  
2 prescreening system and reduce the number of  
3 false positives.

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

11 (b) CLERICAL AMENDMENT.—The table of contents  
12 in section 1(b) of such Act is amended by inserting after  
13 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.”.

14 **SEC. 408. TRANSPORTATION SECURITY ADMINISTRATION**  
15 **PERSONNEL MANAGEMENT.**

16 (a) ELIMINATION OF CERTAIN PERSONNEL MANAGE-  
17 MENT AUTHORITIES.—Effective 90 days after the date of  
18 the enactment of this Act—

19 (1) section 111(d) of the Aviation and Trans-  
20 portation Security Act (49 U.S.C. 44935 note) is re-  
21 pealed and any authority of the Secretary of Home-  
22 land Security derived from such section 111(d) shall  
23 terminate;

1           (2) any personnel management system, to the  
2           extent established or modified pursuant to such sec-  
3           tion 111(d) (including by the Secretary through the  
4           exercise of any authority derived from such section  
5           111(d)) shall terminate; and

6           (3) the Secretary shall ensure that all TSA em-  
7           ployees are subject to the same personnel manage-  
8           ment system as described in subsection (e)(1) or  
9           (e)(2).

10          (b) ESTABLISHMENT OF CERTAIN UNIFORMITY RE-  
11          QUIREMENTS.—

12           (1) SYSTEM UNDER SUBSECTION (e)(1).—The  
13          Secretary shall, with respect to any personnel man-  
14          agement system described in subsection (e)(1), take  
15          any measures which may be necessary to provide for  
16          the uniform treatment of all TSA employees under  
17          such system.

18           (2) SYSTEM UNDER SUBSECTION (e)(1).—Sec-  
19          tion 9701(b) of title 5, United States Code, is  
20          amended—

21           (A) by striking “and” at the end of para-  
22          graph (4);

23           (B) by striking the period at the end of  
24          paragraph (5) and inserting “; and”; and

1 (C) by adding at the end the following new  
2 paragraph:

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

7 (3) EFFECTIVE DATE.—

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

13 (B) PROVISIONS RELATING TO A SYSTEM  
14 UNDER SUBSECTION (e)(2).— Any measures  
15 necessary to carry out the amendments made  
16 by paragraph (2) shall take effect 90 days after  
17 the date of the enactment of this Act or, if  
18 later, the commencement date of the system in-  
19 volved.

20 (c) REPORT TO CONGRESS.—

21 (1) REPORT REQUIRED.—Not later than 6  
22 months after the date of the enactment of this Act,  
23 the Government Accountability Office shall submit  
24 to the Committee on Homeland Security of the  
25 House of Representatives and the Committee on

1 Homeland Security and Governmental Affairs of the  
2 Senate a report on—

3 (A) the pay system that applies with re-  
4 spect to TSA employees as of the date of the  
5 enactment of this Act; and

6 (B) any changes to such system which  
7 would be made under any regulations which  
8 have been prescribed under chapter 97 of title  
9 5, United States Code.

10 (2) MATTERS FOR INCLUSION.—The report re-  
11 quired under paragraph (1) shall include—

12 (A) a brief description of each pay system  
13 described in paragraphs (1)(A) and (1)(B), re-  
14 spectively;

15 (B) a comparison of the relative advan-  
16 tages and disadvantages of each of those pay  
17 systems; and

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

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

22 (1) any position which was transferred (or the  
23 incumbent of which was transferred) from the  
24 Transportation Security Administration of the De-  
25 partment of Transportation to the Department of

1 Homeland Security by section 403 of the Homeland  
2 Security Act of 2002 (6 U.S.C. 203); or

3 (2) any other position within the Department of  
4 Homeland Security the duties and responsibilities of  
5 which include carrying out one or more of the func-  
6 tions that were transferred from the Transportation  
7 Security Administration of the Department of  
8 Transportation to the Secretary by such section.

9 (e) PERSONNEL MANAGEMENT SYSTEM DE-  
10 SCRIBED.—A personnel management system described in  
11 this subsection is—

12 (1) any personnel management system, to the  
13 extent that it applies with respect to any TSA em-  
14 ployees by virtue of section 114(n) of title 49,  
15 United States Code; and

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

19 **SEC. 409. STRATEGIC PLAN TO TEST AND IMPLEMENT AD-**  
20 **VANCED PASSENGER PRESCREENING SYS-**  
21 **TEM.**

22 Not later than 90 days after the date of the enact-  
23 ment of the Act, the Secretary of Homeland Security shall  
24 submit to Congress a plan that—

1           (1) describes the system to be utilized for the  
2 Department of Homeland Security to assume the  
3 performance of comparing passenger information, as  
4 defined by the Assistant Secretary of Homeland Se-  
5 curity (Transportation Security Administration), to  
6 the automatic selectee and no fly lists, utilizing ap-  
7 propriate records in the consolidated and integrated  
8 terrorist watchlist maintained by the Federal Gov-  
9 ernment;

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

12           (3) explains how the system will be integrated  
13 with the prescreening system for passenger on inter-  
14 national flights; and

15           (4) describes how the system complies with sec-  
16 tion 552a of title 5, United States Code.

17 **TITLE V—STRENGTHENING THE**  
18 **SECURITY OF CARGO CON-**  
19 **TAINERS**

20 **SEC. 501. REQUIREMENTS RELATING TO ENTRY OF CON-**  
21 **TAINERS INTO THE UNITED STATES.**

22           (a) REQUIREMENTS.—Section 70116 of title 46,  
23 United States Code, is amended by adding at the end the  
24 following new subsection:

1           “(c) REQUIREMENTS RELATING TO ENTRY OF CON-  
2 TAINERS.—

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

6           “(A) the container is scanned with equip-  
7 ment that meets the standards established pur-  
8 suant to paragraph (2)(A) and a copy of the  
9 scan is provided to the Secretary; and

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

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

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

24           “(B) SEALS.—The Secretary shall estab-  
25 lish standards for seals required to be used

1 under paragraph (1)(B) to ensure that such  
2 seals use the best-available technology, includ-  
3 ing technology to detect any breach into a con-  
4 tainer and identify the time of such breach.

5 “(C) REVIEW AND REVISION.—The Sec-  
6 retary shall—

7 “(i) review and, if necessary, revise  
8 the standards established pursuant to sub-  
9 paragraphs (A) and (B) not less than once  
10 every two years; and

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

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

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

21 “(III) track the time and location  
22 of the container during transit to the  
23 United States, including by truck,  
24 rail, or vessel.



1           “(D) DEFINITION.—In subparagraph (C),  
2           the term ‘Exclusive Economic Zone of the  
3           United States’ has the meaning given the term  
4           ‘Exclusive Economic Zone’ in section 2101(10a)  
5           of this title.”.

6           (b) AUTHORIZATION OF APPROPRIATIONS.—There  
7           are authorized to be appropriated to carry out section  
8           70116(c) of title 46, United States Code, as added by sub-  
9           section (a) of this section, such sums as may be necessary  
10          for each of the fiscal years 2008 through 2013.

11          (c) REGULATIONS; APPLICATION.—

12           (1) REGULATIONS.—

13           (A) INTERIM FINAL RULE.—Consistent  
14           with the results of and lessons derived from the  
15           pilot system implemented under section 231 of  
16           the SAFE Port Act (Public Law 109–347), the  
17           Secretary of Homeland Security shall issue an  
18           interim final rule as a temporary regulation to  
19           implement section 70116(c) of title 46, United  
20           States Code, as added by subsection (a) of this  
21           section, not later than 180 days after the date  
22           of the submission of the report under section  
23           231 of the SAFE Port Act, without regard to  
24           the provisions of chapter 5 of title 5, United  
25           States Code.

1           (B) FINAL RULE.—The Secretary shall  
2           issue a final rule as a permanent regulation to  
3           implement section 70116(c) of title 46, United  
4           States Code, as added by subsection (a) of this  
5           section, not later than one year after the date  
6           of the submission of the report under section  
7           231 of the SAFE Port Act, in accordance with  
8           the provisions of chapter 5 of title 5, United  
9           States Code. The final rule issued pursuant to  
10          that rulemaking may supersede the interim  
11          final rule issued pursuant to subparagraph (A).

12          (2) PHASED-IN APPLICATION.—

13               (A) IN GENERAL.—The requirements of  
14               section 70116(c) of title 46, United States  
15               Code, as added by subsection (a) of this section,  
16               apply with respect to any container entering the  
17               United States, either directly or via a foreign  
18               port, beginning on—

19                       (i) the end of the 3-year period begin-  
20                       ning on the date of the enactment of this  
21                       Act, in the case of a container loaded on  
22                       a vessel destined for the United States in  
23                       a country in which more than 75,000  
24                       twenty-foot equivalent units of containers

1                   were loaded on vessels for shipping to the  
2                   United States in 2005; and

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

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

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

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

21                  (d) INTERNATIONAL CARGO SECURITY STAND-  
22                  ARDS.—The Secretary, in consultation with the Secretary  
23                  of State, is encouraged to promote and establish inter-  
24                  national standards for the security of containers moving  
25                  through the international supply chain with foreign gov-

1 ernments and international organizations, including the  
2 International Maritime Organization and the World Cus-  
3 toms Organization.

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

12 **TITLE VI—STRENGTHENING EF-**  
13 **FORTS TO PREVENT TER-**  
14 **RORIST TRAVEL**

15 **Subtitle A—Human Smuggling and**  
16 **Trafficking Center Improvements**

17 **SEC. 601. STRENGTHENING THE CAPABILITIES OF THE**  
18 **HUMAN SMUGGLING AND TRAFFICKING CEN-**  
19 **TER.**

20 (a) IN GENERAL.—The Secretary, acting through the  
21 Assistant Secretary of Homeland Security for United  
22 States Immigration and Customs Enforcement, shall pro-  
23 vide to the Human Smuggling and Trafficking Center (in  
24 this section referred to as the “Center”) the administra-  
25 tive support and funding required for its maintenance, in-

1 cluding funding for personnel, leasing of office space, sup-  
2 plies, equipment, technology, training, and travel expenses  
3 necessary for the Center to carry out its mission.

4 (b) STAFFING OF THE CENTER.—

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

9 (A) One Director.

10 (B) One Deputy Director for Smuggling.

11 (C) One Deputy Director for Trafficking.

12 (D) One Deputy Director for Terrorist  
13 Travel.

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

16 (i) Not fewer than ten such analysts  
17 or Agents shall be intelligence analysts or  
18 law enforcement agents who shall be de-  
19 tailed from entities within the Department  
20 of Homeland Security with human smug-  
21 gling and trafficking related responsibil-  
22 ities, as determined by the Secretary.

23 (ii) Not fewer than one full time pro-  
24 fessional staff detailee from each of the  
25 United States Coast Guard, United States

1 Immigration and Customs Enforcement,  
2 United States Customs and Border Protec-  
3 tion, Transportation Security Administra-  
4 tion, and the Office of Intelligence and  
5 Analysis.

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

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

15 (c) FUNDING REIMBURSEMENT.—In operating the  
16 Center, the Secretary of Homeland Security shall act in  
17 accordance with all applicable requirements of the Econ-  
18 omy Act (31 U.S.C. 1535), and shall seek reimbursement  
19 from the Attorney General and the Secretary of State, in  
20 such amount or proportion as is appropriate, for costs as-  
21 sociated with the participation of the Department of Jus-  
22 tice and the Department of State in the operation of the  
23 Center.

1 (d) DEVELOPMENT OF PLAN.—The Secretary of  
2 Homeland Security shall develop a plan for the Center  
3 that—

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

6 (2) describes how the Department of Homeland  
7 Security shall utilize its resources to ensure that the  
8 Center uses intelligence to focus and drive its ef-  
9 forts;

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

14 (4) describes the mechanism for the sharing of  
15 homeland security information from the Center to  
16 the Office of Intelligence and Analysis, including  
17 how such sharing shall be consistent with section  
18 1016(b) of the Intelligence Reform and Terrorism  
19 Prevention Act of 2004 (Public Law 108–458);

20 (5) establishes reciprocal security clearance sta-  
21 tus to other participating agencies in the Center in  
22 order to ensure full access to necessary databases;

23 (6) establishes or consolidates networked sys-  
24 tems for the Center; and

1           (7) ensures that the assignment of personnel to  
2           the Center from agencies of the Department of  
3           Homeland Security is incorporated into the civil  
4           service career path of such personnel.

5           (e) MEMORANDUM OF UNDERSTANDING.—The Sec-  
6           retary of Homeland Security shall execute with the Attor-  
7           ney General a Memorandum of Understanding in order  
8           to clarify cooperation and coordination between United  
9           States Immigration and Customs Enforcement and the  
10          Federal Bureau of Investigation regarding issues related  
11          to human smuggling, human trafficking, and terrorist  
12          travel.

13          (f) COORDINATION WITH THE OFFICE OF INTEL-  
14          LIGENCE AND ANALYSIS.—The Office of Intelligence and  
15          Analysis, in coordination with the Center, shall submit to  
16          Federal, State, local, and tribal law enforcement and other  
17          relevant agencies periodic reports regarding terrorist  
18          threats related to human smuggling, human trafficking,  
19          and terrorist travel.



1 **Subtitle B—International Collabo-**  
2 **ration to Prevent Terrorist**  
3 **Travel**

4 **SEC. 611. REPORT ON INTERNATIONAL COLLABORATION**  
5 **TO INCREASE BORDER SECURITY, ENHANCE**  
6 **GLOBAL DOCUMENT SECURITY, AND EX-**  
7 **CHANGE TERRORIST INFORMATION.**

8 (a) REPORT REQUIRED.—Not later than 270 days  
9 after the date of the enactment of this Act, the Secretary  
10 of State and the Secretary of Homeland Security, in con-  
11 junction with the Director of National Intelligence and the  
12 heads of other appropriate Federal departments and agen-  
13 cies, shall submit to the appropriate congressional commit-  
14 tees a report on efforts of the Government of the United  
15 States to collaborate with international partners and allies  
16 of the United States to increase border security, enhance  
17 global document security, and exchange terrorist informa-  
18 tion.

19 (b) CONTENTS.—The report required by subsection  
20 (a) shall outline—

21 (1) all presidential directives, programs, and  
22 strategies for carrying out and increasing United  
23 States Government efforts described in subsection

24 (a);

1           (2) the goals and objectives of each of these ef-  
2       forts;

3           (3) the progress made in each of these efforts;  
4       and

5           (4) the projected timelines for each of these ef-  
6       forts to become fully functional and effective.

7       (c) DEFINITION.—In this section, the term “appro-  
8       priate congressional committees” means—

9           (1) the Committee on Foreign Affairs, the  
10       Committee on Homeland Security, the Committee on  
11       the Judiciary, and the Permanent Select Committee  
12       on Intelligence of the House of Representatives; and

13           (2) the Committee on Foreign Relations, the  
14       Committee on Homeland Security and Governmental  
15       Affairs, the Committee on the Judiciary, and the Se-  
16       lect Committee on Intelligence of the Senate.

17       **Subtitle C—Biometric Border**  
18       **Entry and Exit System**

19       **SEC. 621. SUBMITTAL OF PLAN ON BIOMETRIC ENTRY AND**  
20               **EXIT VERIFICATION SYSTEM IMPLEMENTA-**  
21               **TION.**

22       Not later than 7 days after the date of the enactment  
23       of this Act, the Secretary for Homeland Security shall  
24       submit to the Committee on Homeland Security and the  
25       Committee on the Judiciary and the Committee on Home-

1 land Security and Governmental Affairs and the Com-  
2 mittee on the Judiciary of the Senate the plan developed  
3 by the Secretary under section 7208(c) of the Intelligence  
4 Reform and Terrorism Prevention Act of 2004 (8 U.S.C.  
5 1365b(c)(2)) to accelerate the full implementation of an  
6 automated biometric entry and exit data system.

7 **TITLE VII—IMPROVING INTEL-**  
8 **LIGENCE AND INFORMATION**  
9 **SHARING WITH LOCAL LAW**  
10 **ENFORCEMENT AND FIRST**  
11 **RESPONDERS**

12 **Subtitle A—Fusion and Law En-**  
13 **forcement Education and**  
14 **Teaming (FLEET) Grant Pro-**  
15 **gram**

16 **SEC. 701. FINDINGS.**

17 Congress finds the following:

18 (1) The intelligence component of a State, local,  
19 or regional fusion center (in this title referred to  
20 generally as “fusion centers”) focuses on the intel-  
21 ligence process, in which information is collected, in-  
22 tegrated, evaluated, analyzed, and disseminated. The  
23 Federal Government and nontraditional sources of  
24 intelligence information—such as public safety enti-  
25 ties at the State, local, and tribal levels, and private

1 sector organizations—all possess valuable informa-  
2 tion that when “fused” with law enforcement data  
3 and properly analyzed at fusion centers can provide  
4 law enforcement officers with specific and actionable  
5 intelligence about terrorist and related criminal ac-  
6 tivity.

7 (2) Participation by local and tribal law en-  
8 forcement officers and intelligence analysts in fusion  
9 centers helps secure the homeland by involving such  
10 officers and analysts in the intelligence process on a  
11 daily basis, by helping them build professional rela-  
12 tionships across every level and discipline of govern-  
13 ment and the private sector, and by ensuring that  
14 intelligence and other information, including threat  
15 assessment, public safety, law enforcement, public  
16 health, social service, and public works, is shared  
17 throughout and among relevant communities. Such  
18 local and tribal participation in fusion centers sup-  
19 ports the efforts of all law enforcement agencies and  
20 departments to anticipate, identify, monitor, and  
21 prevent terrorist and related criminal activity.

22 (3) Some local and tribal law enforcement agen-  
23 cies and departments, however, lack resources to  
24 participate fully in fusion centers.

1           (4) Needs-based grant funding will maximize  
2           the participation of local and tribal law enforcement  
3           agencies and departments in fusion centers by re-  
4           ducing the costs associated with detailing officers  
5           and intelligence analysts to fusion centers. Con-  
6           sequently, such grant funding will not only promote  
7           the development of more effective, resourceful, and  
8           situationally aware fusion centers, but will also ad-  
9           vance the cause of homeland security.

10 **SEC. 702. FLEET GRANT PROGRAM.**

11           (a) IN GENERAL.—Subtitle A of title II of the Home-  
12 land Security Act of 2002 is further amended by adding  
13 at the end the following new section:

14 **“SEC. 203. FLEET GRANT PROGRAM.**

15           “(a) IMPLEMENTATION PLAN AND ESTABLISH-  
16 MENT.—

17           “(1) IMPLEMENTATION PLAN.—Not later than  
18           90 days after the date of the enactment of the Im-  
19           plementing the 9/11 Commission Recommendations  
20           Act of 2007, the Secretary shall develop a Fusion  
21           and Law Enforcement Education and Teaming  
22           Grant Program (in this section referred to as the  
23           ‘FLEET Grant program’) implementation plan and  
24           submit to the appropriate congressional committees  
25           a copy of such plan. In developing such plan, the

1 Secretary shall consult with the Attorney General,  
2 the Bureau of Justice Assistance, and the Office of  
3 Community Oriented Policing of the Department of  
4 Justice and shall encourage the participation of fu-  
5 sion centers and local and tribal law enforcement  
6 agencies and departments in the development of  
7 such plan. Such plan shall include—

8 “(A) a clear articulation of the purposes,  
9 goals, and specific objectives for which the pro-  
10 gram is being developed;

11 “(B) an identification of program stake-  
12 holders and an assessment of their interests in  
13 and expectations for the program;

14 “(C) a developed set of quantitative  
15 metrics to measure, to the extent possible, pro-  
16 gram output; and

17 “(D) a developed set of qualitative instru-  
18 ments (e.g., surveys and expert interviews) to  
19 assess the extent to which stakeholders believe  
20 their needs and expectations are being met by  
21 the program.

22 “(2) ESTABLISHMENT.—Not later than 180  
23 days after the enactment of the Implementing the 9/  
24 11 Commission Recommendations Act of 2007, the  
25 Secretary shall implement and carry out a FLEET

1 Grant program under which the Secretary, in con-  
2 sultation with the Attorney General, shall make  
3 grants to local and tribal law enforcement agencies  
4 and departments specified by the Secretary, in con-  
5 sultation with the Attorney General, for the pur-  
6 poses described in subsection (b). Subject to sub-  
7 section (g), each such grant shall be made for a two-  
8 year period.

9 “(b) USE OF GRANT AMOUNTS.—

10 “(1) IN GENERAL.—A grant made to a local or  
11 tribal law enforcement agency or department under  
12 subsection (a) shall be used to enable such agency  
13 or department to detail eligible law enforcement per-  
14 sonnel to participate in a fusion center that serves  
15 the geographic area in which such agency or depart-  
16 ment is located, and may be used for the following  
17 purposes:

18 “(A) To hire new personnel, or to pay ex-  
19 isting personnel, to perform the duties of eligi-  
20 ble law enforcement personnel who are detailed  
21 to a fusion center during the absence of such  
22 detailed personnel.

23 “(B) To provide appropriate training, as  
24 determined and required by the Secretary, in  
25 consultation with the Attorney General, for eli-

1           gible law enforcement personnel who are de-  
2           tailed to a fusion center.

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

9           “(2) MANDATORY PRIVACY AND CIVIL LIB-  
10          ERTIES TRAINING.—All eligible law enforcement per-  
11          sonnel detailed to a fusion center under the FLEET  
12          Grant Program shall undergo appropriate privacy  
13          and civil liberties training that is developed, sup-  
14          ported, or sponsored by the Privacy Officer and the  
15          Officer for Civil Rights and Civil Liberties in part-  
16          nership with the Privacy and Civil Liberties Over-  
17          sight Board.

18          “(3) LIMITATION.—A local or tribal law en-  
19          forcement agency or department participating in the  
20          FLEET Grant program shall continue to provide a  
21          salary and benefits to any eligible law enforcement  
22          personnel detailed to a fusion center, in the same  
23          amounts and under the same conditions that such  
24          agency or department provides a salary and benefits  
25          to such personnel when not detailed to a fusion cen-



1 ter. None of the funds provided by the FLEET  
2 grant program may be used to carry out this para-  
3 graph.

4 “(4) ELIGIBLE LAW ENFORCEMENT PER-  
5 SONNEL DEFINED.—For purposes of this section,  
6 the term ‘eligible law enforcement personnel’ means  
7 any local or tribal law enforcement officer or intel-  
8 ligence analyst who meets each eligibility require-  
9 ment specified by the Secretary. Such eligibility re-  
10 quirements shall include a requirement that the offi-  
11 cer or analyst has at least two years of experience  
12 as a law enforcement officer or intelligence analyst  
13 with the local or tribal law enforcement agency or  
14 department selected to participate in the FLEET  
15 Grant program.

16 “(c) APPLICATIONS.—

17 “(1) IN GENERAL.—No grant may be made  
18 under subsection (a) unless an application for such  
19 grant has been submitted to, and approved by, the  
20 Secretary, in consultation with the Attorney General.  
21 Such an application shall be submitted in such form,  
22 manner, and time, and shall contain such informa-  
23 tion, as the Secretary, in consultation with the At-  
24 torney General, may prescribe by regulation or  
25 guidelines.

1           “(2) JOINT APPLICATIONS.—A local or tribal  
2 law enforcement agency or department may file a  
3 joint grant application to detail eligible law enforce-  
4 ment personnel to a fusion center. Such application  
5 shall be—

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

9           “(B) in the case of participating local and  
10 tribal law enforcement agencies or departments  
11 for which a detail arrangement described in  
12 subparagraph (A) is likely to result in hardship  
13 due to a staffing shortage (as determined by  
14 the Secretary, in consultation with the Attorney  
15 General), for several eligible law enforcement  
16 personnel from multiple local or tribal law en-  
17 forcement agencies or departments in the same  
18 geographic area, who shall be detailed to a fu-  
19 sion center, each on a part-time basis, as part  
20 of a shared detail arrangement, as long as—

21           “(i) any hours worked by a detailed  
22 officer or analyst at a fusion center in a  
23 shared detail arrangement shall be counted  
24 toward the hourly shift obligations of such  
25 officer or analyst at his or her local or

1 tribal law enforcement agency or depart-  
2 ment; and

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

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

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

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

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

23 “(e) PRIORITY.—The Secretary, in consultation with  
24 the Attorney General, shall issue regulations regarding the  
25 use of a sliding scale based on financial need to ensure

1 that a local or tribal law enforcement agency or depart-  
2 ment that is eligible to receive a grant under subsection  
3 (a) and that demonstrates to the satisfaction of the Sec-  
4 retary, in consultation with the Attorney General, that it  
5 is in financial need (as determined by the Secretary, in  
6 consultation with the Attorney General) receives priority  
7 in receiving funds under this section.

8 “(f) MATCHING FUNDS.—

9 “(1) IN GENERAL.—Subject to paragraph (2),  
10 the portion of the costs of a program, project, or ac-  
11 tivity funded by a grant made to an entity under  
12 subsection (a) may not exceed 80 percent.

13 “(2) EXCEPTION.—The Secretary, in consulta-  
14 tion with the Attorney General, may waive, wholly or  
15 in part, the requirement under paragraph (1) of a  
16 non-Federal contribution to the costs of a program,  
17 project, or activity if the entity receiving the grant  
18 for such program, project, or activity can dem-  
19 onstrate to the satisfaction of the Secretary, in con-  
20 sultation with the Attorney General, that it would be  
21 a hardship for such entity to satisfy such require-  
22 ment.

23 “(g) RENEWAL OF GRANTS.—A grant made to a local  
24 or tribal law enforcement agency or department under  
25 subsection (a) may be renewed on an annual basis for an

1 additional year after the first two-year period during  
2 which the entity receives its initial grant, if—

3 “(1) the entity can demonstrate to the satisfac-  
4 tion of the Secretary, in consultation with the Attor-  
5 ney General, significant progress in achieving the  
6 objectives of the application for the initial grant in-  
7 volved; and

8 “(2) such renewal would not prevent another  
9 local or tribal law enforcement agency or department  
10 that has applied for a grant under subsection (a),  
11 has not previously received such a grant, and that  
12 would otherwise qualify for such a grant, from re-  
13 ceiving such a grant, as determined by the Sec-  
14 retary, in consultation with the Attorney General.

15 “(h) REVOCATION OR SUSPENSION OF FUNDING.—  
16 If the Secretary, in consultation with the Attorney Gen-  
17 eral, determines that a grant recipient under this section  
18 is not in substantial compliance with the terms and re-  
19 quirements of an approved grant application submitted  
20 under subsection (c), the Secretary, in consultation with  
21 the Attorney General, may revoke or suspend funding of  
22 that grant, in whole or in part. In the case of a revocation  
23 or suspension of funds under this subsection based on a  
24 determination of fraud, waste, or abuse, with respect to  
25 a grant recipient, such grant recipient shall be required

1 to refund the grant funds received under subsection (a)  
2 that are related to such fraud, waste, or abuse, respec-  
3 tively.

4 “(i) REPORTS.—

5 “(1) REPORTS TO SECRETARY.—Each local or  
6 tribal law enforcement agency or department that  
7 receives a grant under subsection (a) shall submit to  
8 the Secretary and the Attorney General a report for  
9 each year such agency or department is a recipient  
10 of such grant. Each such report shall include a de-  
11 scription and evaluation of each program, project, or  
12 activity funded by such grant.

13 “(2) REPORT TO CONGRESS.—One year after  
14 the date of the implementation of the FLEET grant  
15 program, and biannually thereafter, the Secretary,  
16 in consultation with the Attorney General, shall sub-  
17 mit to the appropriate congressional committees a  
18 report describing the implementation and progress  
19 of the FLEET Grant Program. Each such report  
20 shall include the following:

21 “(A) A list of the local and tribal law en-  
22 forcement agencies and departments receiving  
23 grants.

24 “(B) Information on the grant amounts  
25 awarded to each such agency or department.

1           “(C) Information on the programs,  
2 projects, and activities for which the grant  
3 funds are used.

4           “(D) An evaluation of the effectiveness of  
5 the FLEET Grant program with respect to the  
6 cause of advancing homeland security, includ-  
7 ing—

8                   “(i) concrete examples of enhanced in-  
9 formation sharing and a description of any  
10 preventative law enforcement actions taken  
11 based on such information sharing;

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

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

18                   “(iv) a description of how individual  
19 law enforcement officers and intelligence  
20 analysts detailed to the fusion centers ben-  
21 efit from the detail experience; and

22                   “(v) an evaluation of how the detail of  
23 the law enforcement officers and intel-  
24 ligence analysts assists the fusion centers  
25 in learning more about criminal or ter-

1           rorist organizations operating within their  
2           areas of operation, including a description  
3           of any homeland security information re-  
4           quirements that were developed, or any  
5           homeland security information gaps that  
6           were filled, as a result of the detail ar-  
7           rangement.

8           “(E) An analysis of any areas of need,  
9           with respect to the advancement of homeland  
10          security, that could be addressed through addi-  
11          tional funding or other legislative action.

12          “(j) CUSTOMER SATISFACTION SURVEYS.—The Sec-  
13          retary, in consultation with the Attorney General, shall  
14          create a mechanism for State, local, and tribal law en-  
15          forcement officers and intelligence analysts who partici-  
16          pate in the FLEET Grant program to fill out an electronic  
17          customer satisfaction survey, on an appropriate periodic  
18          basis, to assess the effectiveness of the FLEET Grant pro-  
19          gram with respect to improving information sharing. The  
20          results of these voluntary surveys shall be provided elec-  
21          tronically to appropriate personnel at the Office of Grants  
22          and Training of the Department and at the Bureau of  
23          Justice Assistance and the Office of Community Oriented  
24          Policing of the Department of Justice. The results of these  
25          customer satisfaction surveys shall also be included in an



1 appropriate format in the reports described in subsection  
2 (i).

3 “(k) CONTINUATION ASSESSMENT.—Five years after  
4 the date of the implementation of the FLEET Grant pro-  
5 gram, the Secretary, in consultation with the Attorney  
6 General, shall submit to the appropriate congressional  
7 committees a FLEET Grant program continuation assess-  
8 ment. Such continuation assessment shall—

9 “(1) recommend whether Congress should con-  
10 tinue to authorize and fund the FLEET Grant pro-  
11 gram (as authorized under this section or with pro-  
12 posed changes), and provide the reasoning for such  
13 recommendation; and

14 “(2) if the Secretary recommends the continu-  
15 ation of the FLEET Grant program—

16 “(A) recommend any changes to the pro-  
17 gram which the Secretary, in consultation with  
18 the Attorney General, has identified as nec-  
19 essary to improve the program, and the reasons  
20 for any such changes;

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

24 “(C) provide recommendations for the  
25 amounts of funding that should be appropriated

1           for the continuation of the program in future  
2           fiscal years, including justifications for such  
3           amounts.

4           “(1) GENERAL REGULATORY AUTHORITY.—The Sec-  
5   retary, in consultation with the Attorney General, may  
6   promulgate regulations and guidelines to carry out this  
7   section.

8           “(m) DEFINITIONS.—For the purposes of this sec-  
9   tion:

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

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

21           “(b) DEFINITION OF FUSION CENTER.—Section 2 of  
22   such Act is amended by adding at the end the following  
23   new paragraph:

24           “(17) The terms ‘State, local, or regional fusion  
25   center’ and ‘fusion center’ mean a State intelligence

1 center or a regional intelligence center that is the  
2 product of a collaborative effort of at least two  
3 qualifying agencies that provide resources, expertise,  
4 or information to such center with the goal of maxi-  
5 mizing the ability of such intelligence center and the  
6 qualifying agencies participating in such intelligence  
7 center to provide and produce homeland security in-  
8 formation required to detect, prevent, apprehend,  
9 and respond to terrorist and criminal activity. For  
10 purposes of the preceding sentence, qualifying agen-  
11 cies include—

12 “(A) State, local, and tribal law enforce-  
13 ment authorities, and homeland and public  
14 safety agencies;

15 “(B) State, local, and tribal entities re-  
16 sponsible for the protection of public health and  
17 infrastructure;

18 “(C) private sector owners of critical infra-  
19 structure, as defined in section 1016(e) of the  
20 Uniting and Strengthening America by Pro-  
21 viding Appropriate Tools Required to Intercept  
22 and Obstruct Terrorism (USA PATRIOT ACT)  
23 Act of 2001 (42 U.S.C. 5195c(e));

24 “(D) Federal law enforcement and home-  
25 land security entities; and

1                   “(E) other appropriate entities specified by  
2                   the Secretary.”.

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

“Sec. 203. FLEET Grant Program.”.

6           **Subtitle B—Border Intelligence**  
7                   **Fusion Center Program**

8   **SEC. 711. FINDINGS.**

9           Congress finds the following:

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

17           (2) Department personnel, including personnel  
18           from the Bureau of Customs and Border Protection  
19           (“CBP”) and U.S. Immigration and Customs En-  
20           forcement (“ICE”), cannot be everywhere at all  
21           times to ensure that terrorists, weapons of mass de-  
22           struction, and other related contraband are not  
23           being smuggled across the border in order to sup-  
24           port attacks against the United States.

1           (3) State, local, and tribal law enforcement per-  
2           sonnel are uniquely situated to help secure the bor-  
3           der areas in their respective jurisdictions by serving  
4           as “force multipliers”. To do so, however, law en-  
5           forcement officers need access to available border in-  
6           telligence developed by the Department. Such access  
7           shall help State, local, and tribal law enforcement  
8           personnel deploy their resources most effectively to  
9           detect and interdict terrorists, weapons of mass de-  
10          struction, and related contraband at United States  
11          borders.

12          (4) The Department has not yet developed a  
13          single, easily accessible, and widely available system  
14          to consistently share border intelligence and other  
15          information with its State, local, and tribal law en-  
16          forcement partners. It likewise has failed to establish  
17          a process by which State, local, and tribal law en-  
18          forcement personnel can consistently share with the  
19          Department information that they obtain that is rel-  
20          evant to border security.

21          (5) As a result, State, local, and tribal law en-  
22          forcement personnel serving jurisdictions along the  
23          northern and southern borders typically depend  
24          upon personal relationships with CBP and ICE per-  
25          sonnel in their respective jurisdictions to get the in-

1 formation they need. While personal relationships  
2 have helped in some locales, they have not in others.  
3 This has led to an inconsistent sharing of border in-  
4 telligence from jurisdiction to jurisdiction.

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

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

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

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

21 (10) The Department, and in particular, the  
22 Department’s Office of Intelligence and Analysis,  
23 has undertaken a program through which it sends  
24 such office’s personnel to fusion centers to establish  
25 a Department presence at those centers. In so doing,

1 the hope is that such personnel will serve as a point  
2 of contact for information being shared at fusion  
3 centers by State, local, and tribal law enforcement  
4 personnel. Personnel at fusion centers hopefully will  
5 also act as a channel for information being shared  
6 by the Department itself.

7 (11) Border State, local, and tribal law enforce-  
8 ment officers anticipate that fusion centers will be a  
9 critical source of border intelligence from the De-  
10 partment. While the Department's border intel-  
11 ligence products generated in the District of Colum-  
12 bia and disseminated to fusion centers will undoubt-  
13 edly be helpful, a far richer source of border intel-  
14 ligence will likely come from CBP and ICE per-  
15 sonnel working locally in border jurisdictions them-  
16 selves.

17 (12) Establishing a CBP and ICE presence at  
18 border State fusion centers will help ensure the most  
19 consistent, timely, and relevant flow of border intel-  
20 ligence to and from the Department and State, local,  
21 and tribal law enforcement in border communities.  
22 Border State fusion centers thus could serve as a  
23 tool to build upon the personal relationships and in-  
24 formation sharing that exists in some, but not all,

1 jurisdictions between CBP, ICE, and State, local,  
2 and tribal law enforcement.

3 **SEC. 712. ESTABLISHMENT OF BORDER INTELLIGENCE FU-**  
4 **SION CENTER PROGRAM.**

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

8 **“SEC. 204. BORDER INTELLIGENCE FUSION CENTER PRO-**  
9 **GRAM.**

10 “(a) ESTABLISHMENT.—

11 “(1) IN GENERAL.—There is established in the  
12 Department the Border Intelligence Fusion Center  
13 Program, to be administered by the Under Secretary  
14 for Intelligence and Analysis, for the purpose of sta-  
15 tioning Bureau of Customs and Border Protection  
16 and U.S. Immigration and Customs Enforcement of-  
17 ficers or intelligence analysts in the fusion centers of  
18 participating border States.

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

25 “(b) PARTICIPATION.—



1           “(1) IN GENERAL.—The Secretary may develop  
2           qualifying criteria for a border state fusion center’s  
3           participation in the Border Intelligence Fusion Cen-  
4           ter Program.

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

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

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

15                  “(C) Whether the center has access to rel-  
16                  evant law enforcement, private sector, open  
17                  source, and national security data, as well as  
18                  the ability to share and analytically exploit such  
19                  data for actionable ends in accordance with all  
20                  applicable laws and regulations.

21                  “(D) The entity or entities providing finan-  
22                  cial support for the center’s funding.

23                  “(E) Whether the center’s leadership is  
24                  committed to the fusion center’s mission, and  
25                  how the leadership sees the center’s role in ter-

1           rorism prevention, mitigation, response, and re-  
2           covery.

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

7           “(d) PREREQUISITE.—

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

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

23           “(A) appropriate intelligence analysis  
24 training via an intelligence-led policing cur-  
25 riculum that is consistent with the standards

1 and recommendations of the National Criminal  
2 Intelligence Sharing Plan, the Department of  
3 Justice and Department Fusion Center Guide-  
4 lines, title 28, part 23, Code of Federal Regula-  
5 tions, as well as any other training prescribed  
6 by the Under Secretary for Intelligence and  
7 Analysis; and

8 “(B) appropriate privacy and civil liberties  
9 training that is developed, supported, or spon-  
10 sored by the Privacy Officer and the Officer for  
11 Civil Rights and Civil Liberties in partnership  
12 with the Privacy and Civil Liberties Oversight  
13 Board.

14 “(3) EXPEDITED SECURITY CLEARANCE PROC-  
15 ESSING.—The Under Secretary for Intelligence and  
16 Analysis shall ensure that security clearance proc-  
17 essing is expedited for each CBP and ICE officer or  
18 intelligence analyst stationed at border State fusion  
19 centers under this section and shall ensure that such  
20 officer or analyst has the appropriate clearance to  
21 conduct the work of the Border Intelligence Fusion  
22 Center Program.

23 “(4) FURTHER QUALIFICATIONS.—Each CBP  
24 and ICE officer or intelligence analyst stationed at  
25 a border State fusion center under this section shall

1 satisfy any other qualifications the Under Secretary  
2 for Intelligence and Analysis may prescribe.

3 “(e) RESPONSIBILITIES.—

4 “(1) IN GENERAL.—

5 “(A) CREATION AND DISSEMINATION OF  
6 BORDER INTELLIGENCE PRODUCTS.—CBP and  
7 ICE officers and intelligence analysts assigned  
8 to border State fusion centers under this sec-  
9 tion will help State, local, and tribal law en-  
10 forcement in jurisdictions along the northern  
11 and southern borders, and border State fusion  
12 center staff, overlay threat and suspicious activ-  
13 ity with Federal homeland security information  
14 in order to develop a more comprehensive and  
15 accurate threat picture. Such CBP and ICE of-  
16 ficers and intelligence analysts accordingly shall  
17 have as their primary mission the review of bor-  
18 der security-relevant information from State,  
19 local, and tribal law enforcement sources, and  
20 the creation of border intelligence products de-  
21 rived from such information and other border-  
22 security relevant information provided by the  
23 Department, and the dissemination of such  
24 products to border State, local, and tribal law  
25 enforcement. CBP and ICE officers or intel-

1 intelligence analysts assigned to border State fusion  
2 centers under this section shall also provide  
3 such products to the Office of Intelligence and  
4 Analysis of the Department for collection and  
5 dissemination to other fusion centers in other  
6 border States.

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

13 “(C) CUSTOMER SATISFACTION SUR-  
14 VEYS.—The Secretary shall create a mechanism  
15 for State, local, and tribal law enforcement offi-  
16 cers who are consumers of the intelligence prod-  
17 ucts described in subparagraph (A) to fill out  
18 an electronic customer satisfaction survey when-  
19 ever they access such a product. The results of  
20 these voluntary surveys should be provided elec-  
21 tronically to appropriate personnel of the De-  
22 partment. The results of these customer satis-  
23 faction surveys should also be included in an  
24 appropriate format in the annual status reports  
25 described in subsection (h)(2)(A).

1           “(2) CULTIVATION OF RELATIONSHIPS.—CBP  
2           and ICE officers and intelligence analysts stationed  
3           at border State fusion centers under this section  
4           shall actively cultivate relationships with State, local,  
5           and tribal law enforcement personnel in border com-  
6           munities in order to satisfy the mission described in  
7           paragraph (1), and shall make similar outreach to  
8           Canadian and Mexican law enforcement authorities  
9           serving neighboring communities across the northern  
10          and southern borders. CBP and ICE officers and in-  
11          telligence analysts stationed at border State fusion  
12          centers under this section may also serve as a con-  
13          duit of border intelligence products from the Depart-  
14          ment itself and shall ensure that such products are  
15          provided to all appropriate law enforcement agen-  
16          cies, departments, and offices in border States.

17          “(f) RULE OF CONSTRUCTION.—Nothing in this sec-  
18          tion shall be construed to require a border State fusion  
19          center to participate in the Border Intelligence Fusion  
20          Center Program.

21          “(g) REPORTS.—

22                  “(1) DEVELOPMENT OF IMPLEMENTATION  
23          PLAN.—

24                          “(A) IN GENERAL.—Not later than 90  
25                          days after the date of the enactment of the Im-

1           plementing the 9/11 Commission Recommenda-  
2           tions Act of 2007, the Secretary shall develop  
3           a Border Intelligence Fusion Center Program  
4           implementation plan and submit to the appro-  
5           priate congressional committees a copy of such  
6           plan. In developing such plan, the Secretary  
7           shall consult with State, local, and tribal au-  
8           thorities responsible for border State fusion  
9           centers.

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

13           “(i) A clear articulation of the pur-  
14           poses, goals, and specific objectives for  
15           which the program is being developed.

16           “(ii) An identification of program  
17           stakeholders and an assessment of their in-  
18           terests in and expectations of the program.

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

22           “(iv) A developed set of qualitative in-  
23           struments (e.g., surveys and expert inter-  
24           views) to assess the extent to which stake-

1 holders believe their needs and expecta-  
2 tions are being met.

3 “(2) STATUS REPORTS AND CONTINUATION AS-  
4 SESSMENT.—

5 “(A) STATUS REPORTS.—

6 “(i) IN GENERAL.—The Secretary  
7 shall submit to the appropriate congress-  
8 sional committees status reports on the  
9 Border Intelligence Fusion Center Pro-  
10 gram. The reports shall address the ele-  
11 ments described in paragraph (1)(B). The  
12 reports shall also include the following:

13 “(I) A description of the training  
14 programs in place for CBP and ICE  
15 officers and intelligence analysts par-  
16 ticipating in the program.

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

21 “(III) A representative survey of  
22 State, local, and tribal law enforce-  
23 ment officers serving border jurisdic-  
24 tions regarding the specificity and ac-  
25 tionable nature of the border intel-



1                   ligence provided by CBP and ICE of-  
2                   ficers at such fusion centers.

3                   “(IV) A description of the results  
4                   of the customer satisfaction surveys  
5                   submitted by users of the products de-  
6                   scribed in subsection (e)(1).

7                   “(ii) DEADLINES.—Status reports  
8                   under clause (i) shall be submitted not  
9                   later than—

10                   “(I) one year after the date of  
11                   the enactment of the Implementing  
12                   the 9/11 Commission Recommenda-  
13                   tions Act of 2007; and

14                   “(II) three and five years after  
15                   the date on which the Border Intel-  
16                   ligence Fusion Center Program is es-  
17                   tablished.

18                   “(B) CONTINUATION ASSESSMENT.—Not  
19                   later than the end of the fifth year following the  
20                   date on which the Border Intelligence Fusion  
21                   Center Program is established, the Secretary  
22                   shall submit to the appropriate congressional  
23                   committees a Border Intelligence Fusion Center  
24                   Program Continuation Assessment. The con-

1 continuation assessment shall accomplish the fol-  
2 lowing:

3 “(i) Recommend whether the program  
4 should continue in its present or some al-  
5 tered form or not.

6 “(ii) Provide the reasons for that rec-  
7 ommendation.

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

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

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

“Sec. 204. Border Intelligence Fusion Center Program.”.

1       **Subtitle C—Homeland Security**  
2       **Information Sharing Enhancement**

3       **SEC. 721. SHORT TITLE.**

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

6       **SEC. 722. HOMELAND SECURITY ADVISORY SYSTEM.**

7           (a) IN GENERAL.—Subtitle A of title II of the Home-  
8 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-  
9 ed by adding at the end the following:

10       **“SEC. 205. HOMELAND SECURITY ADVISORY SYSTEM.**

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

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

19               “(1) shall include, in each advisory and alert re-  
20 garding a threat, information on appropriate protec-  
21 tive measures and countermeasures that may be  
22 taken in response to the threat;

23               “(2) shall, whenever possible, limit the scope of  
24 each advisory and alert to a specific region, locality,  
25 or economic sector believed to be at risk; and

1           “(3) shall not, in issuing any advisory or alert,  
2           use color designations as the exclusive means of  
3           specifying the homeland security threat conditions  
4           that are the subject of the advisory or alert.”.

5           (b) CLERICAL AMENDMENT.—The table of contents  
6           in section 1(b) of such Act is amended by adding at the  
7           end of the items relating to subtitle A of title II the fol-  
8           lowing:

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

9           **SEC. 723. HOMELAND SECURITY INFORMATION SHARING.**

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

13          **“SEC. 206. HOMELAND SECURITY INFORMATION SHARING.**

14          “(a) INFORMATION SHARING ENVIRONMENT.—Con-  
15          sistent with section 1016 of the National Intelligence Re-  
16          form and Terrorism Prevention Act of 2004 (6 U.S.C.  
17          485) and in accordance with all other applicable laws and  
18          regulations, the Secretary shall integrate and standardize  
19          the information of the intelligence components of the De-  
20          partment into a Department information sharing environ-  
21          ment, to be administered by the Under Secretary for Intel-  
22          ligence and Analysis.

23          “(b) INFORMATION SHARING AND KNOWLEDGE  
24          MANAGEMENT OFFICERS.—For each intelligence compo-  
25          nent of the Department, the Secretary shall designate an

1 information sharing and knowledge management officer  
2 who shall report to the Under Secretary for Intelligence  
3 and Analysis with respect to coordinating the different  
4 systems used in the Department to gather and disseminate  
5 homeland security information.

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

8 “(1) ESTABLISHMENT OF BUSINESS PROC-  
9 ESSES.—The Under Secretary for Intelligence and  
10 Analysis shall establish Department-wide procedures  
11 for the review and analysis of information gathered  
12 from State, local, tribal, and private-sector sources  
13 and, as appropriate, integrate such information into  
14 the information gathered by the Department and  
15 other department and agencies of the Federal Gov-  
16 ernment.

17 “(2) FEEDBACK.—The Secretary shall develop  
18 mechanisms to provide analytical and operational  
19 feedback to any State, local, tribal, and private-sec-  
20 tor entities that gather information and provide such  
21 information to the Secretary.

22 “(d) TRAINING AND EVALUATION OF EMPLOYEES.—

23 “(1) TRAINING.—The Under Secretary shall  
24 provide to employees of the Department opportuni-  
25 ties for training and education to develop an under-

1 standing of the definition of homeland security infor-  
2 mation, how information available to them as part of  
3 their duties might qualify as homeland security in-  
4 formation, and how information available to them is  
5 relevant to the Office of Intelligence and Analysis.

6 “(2) EVALUATIONS.—The Under Secretary  
7 shall, on an ongoing basis, evaluate how employees  
8 of the Office of Intelligence and Analysis and the in-  
9 telligence components of the Department are uti-  
10 lizing homeland security information and partici-  
11 pating in the Department information sharing envi-  
12 ronment.”.

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

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

17 (c) ESTABLISHMENT OF COMPREHENSIVE INFORMA-  
18 TION TECHNOLOGY NETWORK ARCHITECTURE.—

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

1 **“SEC. 207. COMPREHENSIVE INFORMATION TECHNOLOGY**  
2 **NETWORK ARCHITECTURE.**

3 “(a) ESTABLISHMENT.—The Secretary, acting  
4 through the Chief Intelligence Officer, shall establish a  
5 comprehensive information technology network architec-  
6 ture for the Office of Intelligence and Analysis.

7 “(b) NETWORK MODEL.—The comprehensive infor-  
8 mation technology network architecture established under  
9 subsection (a) shall, to the extent possible, incorporate the  
10 approaches, features, and functions of the network pro-  
11 posed by the Markle Foundation in reports issued in Octo-  
12 ber 2002 and December 2003, known as the System-wide  
13 Homeland Security Analysis and Resource Exchange  
14 (SHARE) Network.

15 “(c) COMPREHENSIVE INFORMATION TECHNOLOGY  
16 NETWORK ARCHITECTURE DEFINED.—the term ‘com-  
17 prehensive information technology network architecture’  
18 means an integrated framework for evolving or maintain-  
19 ing existing information technology and acquiring new in-  
20 formation technology to achieve the strategic goals and in-  
21 formation resources management goals of the Office of In-  
22 telligence and Analysis.”.

23 (2) CLERICAL AMENDMENT.—The table of con-  
24 tents in section 1(b) of such Act is further amended

1 by adding at the end of the items relating to such  
2 subtitle the following:

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

3 (3) REPORTS.—

4 (A) REPORT ON IMPLEMENTATION OF  
5 PLAN.—Not later than 360 days after the date  
6 of the enactment of this Act, the Secretary of  
7 Homeland Security shall submit to the Com-  
8 mittee on Homeland Security and Govern-  
9 mental Affairs of the Senate and the Committee  
10 on Homeland Security of the House of Rep-  
11 resentatives a report containing a plan to imple-  
12 ment the comprehensive information technology  
13 network architecture for the Office of Intel-  
14 ligence and Analysis of the Department of  
15 Homeland Security required under section 205  
16 of the Homeland Security Act of 2002, as  
17 added by paragraph (1). Such report shall in-  
18 clude the following:

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

23 (ii) An explanation of how the various  
24 components of the comprehensive informa-



1           tion technology network architecture will  
2           work together and interconnect.

3           (iii) A description of the technology  
4           challenges that the Office of Intelligence  
5           and Analysis will face in implementing the  
6           comprehensive information technology net-  
7           work architecture.

8           (iv) A description of technology op-  
9           tions that are available or are in develop-  
10          ment that may be incorporated into the  
11          comprehensive technology network archi-  
12          tecture, the feasibility of incorporating  
13          such options, and the advantages and dis-  
14          advantages of doing so.

15          (v) An explanation of any security  
16          protections to be developed as part of the  
17          comprehensive information technology net-  
18          work architecture.

19          (vi) A description of any safeguards  
20          for civil liberties and privacy to be built  
21          into the comprehensive information tech-  
22          nology network architecture.

23          (vii) An operational best practices  
24          plan.

1           (B) PROGRESS REPORT.—Not later than  
2           180 days after the date on which the report is  
3           submitted under subparagraph (A), the Sec-  
4           retary of Homeland Security shall submit to the  
5           Committee on Homeland Security and Govern-  
6           mental Affairs of the Senate and the Committee  
7           on Homeland Security of the House of Rep-  
8           resentatives a report on the progress of the Sec-  
9           retary in developing the comprehensive informa-  
10          tion technology network architecture required  
11          under section 205 of the Homeland Security  
12          Act of 2002, as added by paragraph (1).

13          (d) INTELLIGENCE COMPONENT DEFINED.—Section  
14          2 of the Homeland Security Act of 2002 (6 U.S.C. 101)  
15          is further amended by adding at the end the following new  
16          paragraph:

17                 “(18) The term ‘intelligence component of the  
18                 Department’ means any directorate, agency, or ele-  
19                 ment of the Department that gathers, receives, ana-  
20                 lyzes, produces, or disseminates homeland security  
21                 information except—

22                         “(A) a directorate, agency, or element of  
23                         the Department that is required to be main-  
24                         tained as a distinct entity under this Act; or

1           “(B) any personnel security, physical secu-  
2           rity, document security, or communications se-  
3           curity program within any directorate, agency,  
4           or element of the Department.”.

5           **Subtitle D—Homeland Security**  
6           **Information Sharing Partnerships**

7           **SEC. 731. SHORT TITLE.**

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

10          **SEC. 732. STATE, LOCAL, AND REGIONAL INFORMATION FU-**  
11   **SION CENTER INITIATIVE.**

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

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

17          “(a) ESTABLISHMENT.—The Secretary shall estab-  
18          lish a State, Local, and Regional Fusion Center Initiative  
19          to establish partnerships with State, local, and regional  
20          fusion centers.

21          “(b) DUTIES.—Through the State, Local, and Re-  
22          gional Fusion Center Initiative, the Secretary shall—

23                                   “(1) coordinate with the principal official of  
24                                   each State, local, or regional fusion center and the

1 official designated as the Homeland Security Advisor  
2 of the State;

3 “(2) provide Department operational and intel-  
4 ligence advice and assistance to State, local, and re-  
5 gional fusion centers;

6 “(3) support efforts to include State, local, and  
7 regional fusion centers into efforts to establish an  
8 information sharing environment (as defined under  
9 section 1016(a)(2) of the Intelligence Reform and  
10 Terrorism Prevention Act of 2004 (6 U.S.C.  
11 485(a)(2))) in accordance with all applicable laws  
12 and regulations;

13 “(4) conduct table-top and live training exer-  
14 cises to regularly assess the capability of individual  
15 and regional networks of State, local, and regional  
16 fusion centers to integrate the efforts of such net-  
17 works with the efforts of the Department;

18 “(5) coordinate with other relevant Federal en-  
19 tities engaged in homeland security-related activities;

20 “(6) provide analytic and reporting advice and  
21 assistance to State, local, and regional fusion cen-  
22 ters;

23 “(7) review homeland security information  
24 gathered by State, local, and regional fusion centers

1 and incorporate relevant information with homeland  
2 security information of the Department;

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

5 “(9) serve as a point of contact to ensure the  
6 dissemination of relevant homeland security informa-  
7 tion.

8 “(10) facilitate close communication and coordi-  
9 nation between State, local, and regional fusion cen-  
10 ters and the Department;

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

14 “(12) provide training to State, local, and re-  
15 gional fusion centers and encourage such fusion cen-  
16 ters to participate in terrorist threat-related exer-  
17 cises conducted by the Department; and

18 “(13) carry out such other duties as the Sec-  
19 retary determines are appropriate.”.

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

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

24 (c) REPORTS.—

1           (1) CONCEPT OF OPERATIONS.—Not later than  
2           90 days after the date of the enactment of this Act  
3           and before the State, Local, and Regional Fusion  
4           Center Initiative under section 208 of the Homeland  
5           Security Act of 2002, as added by subsection (a),  
6           has been implemented, the Secretary shall submit to  
7           the Committee on Homeland Security and Govern-  
8           mental Affairs of the Senate and the Committee on  
9           Homeland Security of the House of Representatives  
10          a report that contains a concept of operations for  
11          the Initiative, which shall include a privacy and civil  
12          liberties impact assessment.

13           (2) PRIVACY AND CIVIL LIBERTIES.—

14           (A) REVIEW OF CONCEPT OF OPER-  
15           ATIONS.—Not later than 180 days after the  
16           date on which the report under paragraph (1)  
17           is submitted, the Privacy Officer of the Depart-  
18           ment of Homeland Security and the Officer for  
19           Civil Rights and Civil Liberties of the Depart-  
20           ment of Homeland Security shall review the pri-  
21           vacy and civil liberties implications of the Ini-  
22           tiative and the concept of operations and report  
23           any concerns to the Secretary of Homeland Se-  
24           curity and the Under Secretary of Homeland  
25           Security for Intelligence and Analysis. The Sec-

1           retary may not implement the Initiative until  
2           the Privacy Officer and the Officer for Civil  
3           Rights and Civil Liberties have certified that  
4           any privacy or civil liberties concerns have been  
5           addressed.

6                   (B) REVIEW OF PRIVACY IMPACT.—Under  
7           the authority of section 222(5) of the Home-  
8           land Security Act of 2002 (6 U.S.C. 142(5)),  
9           not later than one year after the date on which  
10          the State, Local, and Regional Fusion Center  
11          Initiative is implemented, the Privacy Officer of  
12          the Department of Homeland Security, in con-  
13          sultation with the Officer for Civil Rights and  
14          Civil Liberties of the Department of Homeland  
15          Security, shall submit to Congress, the Sec-  
16          retary of Homeland Security, and the Under  
17          Secretary of Homeland Security for Intelligence  
18          and Analysis a report on the privacy and civil  
19          liberties impact of the Initiative.

20   **SEC. 733. HOMELAND SECURITY INFORMATION SHARING**  
21                   **FELLOWS PROGRAM.**

22           (a) ESTABLISHMENT OF PROGRAM.—Subtitle A of  
23   title II of the Homeland Security Act of 2002 (6 U.S.C.  
24   121 et seq.) is further amended by adding at the end the  
25   following:

1 **“SEC. 209. HOMELAND SECURITY INFORMATION SHARING**  
2 **FELLOWS PROGRAM.**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Secretary, acting  
5 through the Under Secretary for Intelligence and  
6 Analysis, shall establish a fellowship program in ac-  
7 cordance with this section for the purpose of—

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

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

15 “(ii) the role, programs, products, and  
16 personnel of the Office of Intelligence and  
17 Analysis; and

18 “(B) promoting information sharing be-  
19 tween the Department and State, local, and  
20 tribal law enforcement officers and intelligence  
21 analysts by stationing such officers and ana-  
22 lysts in order to—

23 “(i) serve as a point of contact in the  
24 Department to assist in the representation  
25 of State, local, and tribal homeland secu-  
26 rity information needs;



1           “(ii) identify homeland security infor-  
2           mation of interest to State, local, and trib-  
3           al law enforcement officers and intelligence  
4           analysts; and

5           “(iii) assist Department analysts in  
6           preparing and disseminating terrorism-re-  
7           lated products that are tailored to State,  
8           local, and tribal law enforcement officers  
9           and intelligence analysts and designed to  
10          thwart terrorist attacks.

11          “(2) PROGRAM NAME.—The program under  
12          this section shall be known as the ‘Homeland Secu-  
13          rity Information Sharing Fellows Program’.

14          “(b) ELIGIBILITY.—

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

18           “(A) have homeland security-related re-  
19           sponsibilities or law enforcement-related respon-  
20           sibilities;

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

23           “(C) possess a valid need for access to  
24           classified information, as determined by the  
25           Under Secretary for Intelligence and Analysis;

1           “(D) be an employee of an eligible entity;

2           and

3           “(E) have undergone appropriate privacy  
4           and civil liberties training that is developed,  
5           supported, or sponsored by the Privacy Officer  
6           and the Officer for Civil Rights and Civil Lib-  
7           erties in partnership with the Privacy and Civil  
8           Liberties Oversight Board.

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

11           “(A) a State, local, or regional fusion cen-  
12          ter;

13           “(B) a State or local law enforcement or  
14          other government entity that serves a major  
15          metropolitan area, as determined by the Sec-  
16          retary;

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

20           “(D) a State or local law enforcement or  
21          other government entity with port responsibil-  
22          ities, as determined by the Secretary;

23           “(E) a State or local law enforcement or  
24          other government entity with border responsibil-  
25          ities, as determined by the Secretary;

1           “(F) a State or local law enforcement or  
2           other government entity with agricultural re-  
3           sponsibilities, as determined by the Secretary;

4           “(G) a tribal law enforcement or other au-  
5           thority; or

6           “(H) such other entity as the Secretary de-  
7           termines is appropriate.

8           “(c) OPTIONAL PARTICIPATION.—No State, local, or  
9           tribal law enforcement or other government entity shall  
10          be required to participate in the Homeland Security Infor-  
11          mation Sharing Fellows Program.

12          “(d) PROCEDURES FOR NOMINATION AND SELEC-  
13          TION.—

14                 “(1) IN GENERAL.—The Under Secretary shall  
15                 establish procedures to provide for the nomination  
16                 and selection of individuals to participate in the  
17                 Homeland Security Information Sharing Fellows  
18                 Program.

19                 “(2) LIMITATIONS.—The Under Secretary  
20                 shall—

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

24                         “(B) ensure that the number of Informa-  
25                         tion Sharing Fellows selected does not impede

1           the activities of the Office of Intelligence and  
2           Analysis.

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

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

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

20          “(h) SECURITY CLEARANCES.—If an individual se-  
21          lected for a fellowship under the Information Sharing Fel-  
22          lows Program does not possess the appropriate security  
23          clearance, the Under Secretary shall ensure that security  
24          clearance processing is expedited for such individual and  
25          shall ensure that each such Information Sharing Fellow

1 has obtained the appropriate security clearance prior to  
2 participation in the Program.”.

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

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

7 (c) REPORTS.—

8 (1) CONCEPT OF OPERATIONS.—Not later than  
9 90 days after the date of the enactment of this Act  
10 and before the implementation of the Homeland Se-  
11 curity Information Sharing Fellows Program under  
12 section 209 of the Homeland Security Act of 2002,  
13 as added by subsection (a), the Secretary shall sub-  
14 mit to the Committee on Homeland Security and  
15 Governmental Affairs of the Senate and the Com-  
16 mittee on Homeland Security of the House of Rep-  
17 resentatives a report that contains a concept of oper-  
18 ations for the Program, which shall include a privacy  
19 and civil liberties impact assessment.

20 (2) PRIVACY AND CIVIL LIBERTIES.—

21 (A) REVIEW OF CONCEPT OF OPER-  
22 ATIONS.—Not later than 180 days after the  
23 date on which the report under paragraph (1)  
24 is submitted, the Privacy Officer of the Depart-  
25 ment of Homeland Security and the Officer for

1 Civil Rights and Civil Liberties of the Depart-  
2 ment of Homeland Security shall review the pri-  
3 vacy and civil liberties implications of the Pro-  
4 gram and the concept of operations and report  
5 any concerns to the Secretary of Homeland Se-  
6 curity and the Under Secretary of Homeland  
7 Security for Intelligence and Analysis. The Sec-  
8 retary may not implement the Program until  
9 the Privacy Officer and the Officer for Civil  
10 Rights and Civil Liberties have certified that  
11 any privacy or civil liberties concerns have been  
12 addressed.

13 (B) REVIEW OF PRIVACY IMPACT.—Under  
14 the authority of section 222(5) of the Home-  
15 land Security Act of 2002 (6 U.S.C. 142(5)),  
16 not later than one year after the date on which  
17 the Homeland Security Information Sharing  
18 Fellows Program is implemented, the Privacy  
19 Officer of the Department of Homeland Secu-  
20 rity, in consultation with the Officer for Civil  
21 Rights and Civil Liberties of the Department of  
22 Homeland Security, shall submit to Congress,  
23 the Secretary of Homeland Security, and the  
24 Under Secretary of Homeland Security for In-

1 intelligence and Analysis a report on the privacy  
2 and civil liberties impact of the Program.

3 **Subtitle E—Homeland Security**  
4 **Intelligence Offices Reorganization**

5 **SEC. 741. DEPARTMENTAL REORGANIZATION.**

6 (a) REDESIGNATION OF DIRECTORATE FOR INFOR-  
7 MATION ANALYSIS AND INFRASTRUCTURE PROTEC-  
8 TION.—Section 201 of the Homeland Security Act of 2002  
9 (6 U.S.C. 121) is amended—

10 (1) in subsection (a)(1)—

11 (A) by striking “a Directorate for Informa-  
12 tion Analysis and Infrastructure Protection”  
13 and inserting “an Office of Intelligence and  
14 Analysis”; and

15 (B) by striking “an Under Secretary for  
16 Information Analysis and Infrastructure Pro-  
17 tection” and inserting “an Under Secretary for  
18 Intelligence and Analysis”;

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

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

23 (A) by striking “and infrastructure protec-  
24 tion” before “are carried out” and inserting  
25 “and intelligence”; and

1 (B) by striking “the Under Secretary for  
2 Information Analysis and Infrastructure Pro-  
3 tection” and inserting “the Under Secretary for  
4 Intelligence and Analysis”;

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

6 (A) by striking “the Under Secretary for  
7 Information Analysis and Infrastructure Pro-  
8 tection” and inserting “the Under Secretary for  
9 Intelligence and Analysis”;

10 (B) by striking paragraphs (2), (5), and  
11 (6), and redesignating paragraphs (3) through  
12 (17) as paragraphs (2) through (14), respec-  
13 tively;

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

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

19 (E) in paragraph (14), as so redesignated,  
20 by inserting “the Assistant Secretary for Infra-  
21 structure Protection and” after “coordinate  
22 with”; and

23 (F) by inserting after paragraph (14), as  
24 redesignated by subparagraph (B), the fol-  
25 lowing new paragraphs:



1           “(15) To coordinate and enhance integration  
2 among intelligence components of the Department.

3           “(16) To establish intelligence priorities, poli-  
4 cies, processes, standards, guidelines, and procedures  
5 for the Department.

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

9           “(18) To ensure that, whenever possible—

10           “(A) the Under Secretary for Intelligence  
11 and Analysis produces and disseminates reports  
12 and analytic products based on open-source in-  
13 formation that do not require a national secu-  
14 rity classification under applicable law; and

15           “(B) such unclassified open source reports  
16 are produced and disseminated contempora-  
17 neously with reports or analytic products con-  
18 cerning the same or similar information that  
19 the Under Secretary for Intelligence and Anal-  
20 ysis produces and disseminates in a classified  
21 format.

22           “(19) To establish within the Office of Intel-  
23 ligence Analysis an Internal Continuity of Oper-  
24 ations (COOP) Plan that—

1           “(A) assures that the capability exists to  
2           continue uninterrupted operations during a  
3           wide range of potential emergencies, including  
4           localized acts of nature, accidents, and techno-  
5           logical or attack-related emergencies, that is  
6           maintained at a high level of readiness and is  
7           capable of implementation with and without  
8           warning; and

9           “(B) includes plans and procedures gov-  
10          erning succession to office within the Office of  
11          Intelligence and Analysis, including—

12                 “(i) emergency delegations of author-  
13                 ity (where permissible, and in accordance  
14                 with applicable law);

15                 “(ii) the safekeeping of vital re-  
16                 sources, facilities, and records;

17                 “(iii) the improvisation or emergency  
18                 acquisition of vital resources necessary for  
19                 the performance of operations of the Of-  
20                 fice; and

21                 “(iv) the capability to relocate essen-  
22                 tial personnel and functions to and to sus-  
23                 tain the performance of the operations of  
24                 the Office at an alternate work site until  
25                 normal operations can be resumed.”;

1 (5) in subsections (d) and (e), as redesignated  
2 by subsection (a)(2), by striking “Directorate” each  
3 place it appears and inserting “Office”; and

4 (6) in subsection (f), as redesignated by sub-  
5 section (a)(2)—

6 (A) by striking “the Under Secretary for  
7 Information Analysis and Infrastructure Pro-  
8 tection” and inserting “the Under Secretary for  
9 Intelligence and Analysis and the Assistant Sec-  
10 retary for Infrastructure Protection”; and

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

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) HOMELAND SECURITY ACT OF 2002.—The  
15 Homeland Security Act of 2002 (6 U.S.C. 101 et  
16 seq.) is amended—

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

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

21 (B) in section 223, by striking “Under  
22 Secretary for Information Analysis and Infra-  
23 structure Protection” and inserting “Under  
24 Secretary for Intelligence and Analysis, in co-

1 operation with the Assistant Secretary for In-  
2 frastructure Protection”;

3 (C) in section 224, by striking “Under  
4 Secretary for Information Analysis and Infra-  
5 structure Protection” and inserting “Assistant  
6 Secretary for Infrastructure Protection”; and

7 (D) in section 302(3), by striking “Under  
8 Secretary for Information Analysis and Infra-  
9 structure Protection” and inserting “Under  
10 Secretary for Intelligence and Analysis and the  
11 Assistant Secretary for Infrastructure Protec-  
12 tion”.

13 (2) HEADINGS.—

14 (A) SECTION 201.—The heading for sec-  
15 tion 201 of such Act is amended to read as fol-  
16 lows:

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

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

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

23 (C) SECTION 201(b).—The heading for  
24 subsection (b) of section 201 of such Act, as re-

1 designated by subsection (a)(2), is amended to  
2 read as follows:

3 “(b) DISCHARGE OF INTELLIGENCE AND ANAL-  
4 YSIS.—”.

5 (3) NATIONAL SECURITY ACT OF 1947.—Section  
6 106(b)(2)(I) of the National Security Act of 1947  
7 (50 U.S.C. 403–6) is amended to read as follows:

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

11 (4) INTELLIGENCE REFORM AND TERRORISM  
12 PREVENTION ACT OF 2004.—Section 7306(a)(1) of  
13 the Intelligence Reform and Terrorism Prevention  
14 Act of 2004 (Public Law 108–458; 118 Stat. 3848)  
15 is amended by striking “Under Secretary for Infor-  
16 mation Analysis and Infrastructure Protection” and  
17 inserting “Under Secretary for Intelligence and  
18 Analysis”.

19 **SEC. 742. INTELLIGENCE COMPONENTS OF DEPARTMENT**  
20 **OF HOMELAND SECURITY.**

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

1 **“SEC. 210. INTELLIGENCE COMPONENTS.**

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

6 “(1) To ensure that duties related to the acqui-  
7 sition, analysis, and dissemination of homeland secu-  
8 rity information are carried out effectively and effi-  
9 ciently in support of the Under Secretary for Intel-  
10 ligence and Analysis.

11 “(2) To support and implement the goals estab-  
12 lished in cooperation with the Under Secretary for  
13 Intelligence and Analysis.

14 “(3) To incorporate the input of the Under Sec-  
15 retary for Intelligence and Analysis with respect to  
16 performance appraisals, bonus or award rec-  
17 ommendations, pay adjustments, and other forms of  
18 commendation.

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

23 “(5) To advise and coordinate with the Under  
24 Secretary for Intelligence and Analysis on any plan  
25 to reorganize or restructure the intelligence compo-

1       nent that would, if implemented, result in realign-  
2       ments of intelligence functions.

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

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

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

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

      “Sec. 210. Intelligence components.”.

1 **SEC. 743. OFFICE OF INFRASTRUCTURE PROTECTION.**

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

6 **“SEC. 210A. OFFICE OF INFRASTRUCTURE PROTECTION.**

7 “(a) ASSISTANT SECRETARY FOR INFRASTRUCTURE  
8 PROTECTION.—

9 “(1) IN GENERAL.—There shall be in the De-  
10 partment an Office of Infrastructure Protection  
11 headed by an Assistant Secretary for Infrastructure  
12 Protection.

13 “(2) RESPONSIBILITIES.—The Assistant Sec-  
14 retary shall assist the Secretary in discharging the  
15 responsibilities assigned by the Secretary.

16 “(b) DISCHARGE OF INFRASTRUCTURE PROTEC-  
17 TION.—The Secretary shall ensure that the responsibilities  
18 of the Department regarding infrastructure protection are  
19 carried out through the Assistant Secretary for Infrastruc-  
20 ture Protection.

21 “(c) RESPONSIBILITIES OF ASSISTANT SEC-  
22 RETARY.—Subject to the direction and control of the Sec-  
23 retary, the responsibilities of the Assistant Secretary for  
24 Infrastructure Protection shall be as follows:

25 “(1) To carry out comprehensive assessments of  
26 the vulnerabilities of the key resources and critical



1 infrastructure of the United States, including the  
2 performance of risk assessments to determine the  
3 risks posed by particular types of terrorist attacks  
4 within the United States (including an assessment of  
5 the probability of success of such attacks and the  
6 feasibility and potential efficacy of various counter-  
7 measures to such attacks).

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

17 “(3) To develop a comprehensive national plan  
18 for securing the key resources and critical infra-  
19 structure of the United States, including power pro-  
20 duction, generation, and distribution systems, infor-  
21 mation technology and telecommunications systems  
22 (including satellites), electronic financial and prop-  
23 erty record storage and transmission systems, emer-  
24 gency preparedness communications systems, and

1 the physical and technological assets that support  
2 such systems.

3 “(4) To recommend measures necessary to pro-  
4 tect the key resources and critical infrastructure of  
5 the United States in coordination with other agen-  
6 cies of the Federal Government and in cooperation  
7 with State and local government agencies and au-  
8 thorities, the private sector, and other entities.

9 “(5) To coordinate with the Under Secretary  
10 for Intelligence and Analysis and elements of the in-  
11 telligence community and with Federal, State, and  
12 local law enforcement agencies, and the private sec-  
13 tor, as appropriate.

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

16 “(d) STAFF.—

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

21 “(2) PRIVATE SECTOR STAFF.—Staff under  
22 this subsection may include staff from the private  
23 sector.

1           “(3) SECURITY CLEARANCES.—Staff under this  
2 subsection shall possess security clearances appro-  
3 priate for their work under this section.

4           “(e) DETAIL OF PERSONNEL.—

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

10           “(2) COOPERATIVE AGREEMENTS.—The Sec-  
11 retary and the head of the agency concerned may  
12 enter into cooperative agreements for the purpose of  
13 detailing personnel under this subsection.

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

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

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

1 **TITLE VIII—PROTECTING PRI-**  
2 **VACY AND CIVIL LIBERTIES**  
3 **WHILE EFFECTIVELY FIGHT-**  
4 **ING TERRORISM**  
5 **Subtitle A—Privacy and Civil**  
6 **Liberties Oversight Boards**

7 **SEC. 801. SHORT TITLE.**

8 This subtitle may be cited as the “Protection of Civil  
9 Liberties Act”.

10 **SEC. 802. FINDINGS.**

11 Congress finds the following:

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

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

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

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

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

15          Section 1061(b) of the Intelligence Reform and Ter-  
16          rorism Prevention Act of 2004 (5 U.S.C. 601 note) is  
17          amended by striking “within the Executive Office of the  
18          President” and inserting “as an independent agency with-  
19          in the Executive branch”.

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

23          Subsection (e) of section 1061 of the Intelligence Re-  
24          form and Terrorism Prevention Act of 2004 (5 U.S.C. 601  
25          note) is amended to read as follows:

1 “(e) MEMBERSHIP.—

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

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

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

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

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

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

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

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

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

24           “(5) QUORUM AND MEETINGS.—The Board  
25           shall meet upon the call of the chairman or a major-

1           ity of its members. Three members of the Board  
2           shall constitute a quorum.”.

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

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

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

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

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

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



1 **SEC. 806. REPORTING REQUIREMENTS.**

2 (a) DUTIES OF BOARD.—Paragraph (4) of section  
3 1061(c) of the Intelligence Reform and Terrorism Preven-  
4 tion Act of 2004 (5 U.S.C. 601 note) is amended to read  
5 as follows:

6 “(4) REPORTS.—

7 “(A) RECEIPT, REVIEW, AND SUBMIS-  
8 SION.—

9 “(i) IN GENERAL.—The Board shall—  
10 “(I) receive and review reports  
11 from privacy officers and civil liberties  
12 officers described in section 212; and

13 “(II) periodically submit, not less  
14 than semiannually, reports to the ap-  
15 propriate congressional committees,  
16 including the Committees on the Judi-  
17 ciary of the Senate and the House of  
18 Representatives, the Committee on  
19 Homeland Security and Governmental  
20 Affairs of the Senate, the Committee  
21 on Oversight and Government Reform  
22 of the House of Representatives, the  
23 Select Committee on Intelligence of  
24 the Senate, and the Permanent Select  
25 Committee on Intelligence of the  
26 House of Representatives, the Com-

1                   mittee on Homeland Security of the  
2                   House of Representatives, and to the  
3                   President.

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

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

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

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

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

23                           “(IV) each proposal reviewed by  
24                           the Board under subsection (c)(1)  
25                           that the Board advised against imple-

1                   menting, but that notwithstanding  
2                   such advice, was implemented.

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

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

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

15                   (b) PRIVACY AND CIVIL LIBERTIES OFFICERS.—

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

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

21                   “(a) DESIGNATION AND FUNCTIONS.—The Attorney  
22                   General, the Secretary of Defense, the Secretary of State,  
23                   the Secretary of the Treasury, the Secretary of Health and  
24                   Human Services, the Secretary of Homeland Security, the  
25                   National Intelligence Director, the Director of the Central

1 Intelligence Agency, any other entity within the intel-  
2 ligence community (as defined in section 3 of the National  
3 Security Act of 1947 (50 U.S.C. 401a)), and the head of  
4 any other department, agency, or element of the executive  
5 branch designated by the Privacy and Civil Liberties Over-  
6 sight Board to be appropriate for coverage under this sec-  
7 tion shall designate not less than 1 senior officer to—

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

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

22           “(3) ensure that such department, agency, or  
23          element has adequate procedures to receive, inves-  
24          tigate, respond to, and redress complaints from indi-

1       viduals who allege such department, agency, or ele-  
2       ment has violated their privacy or civil liberties; and

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

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

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

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

17      “(b) EXCEPTION TO DESIGNATION AUTHORITY.—

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

24              “(2) CIVIL LIBERTIES OFFICERS.—In any de-  
25      partment, agency, or element referred to in sub-

1 section (a) or designated by the Board, which has a  
2 statutorily created civil liberties officer, such officer  
3 shall perform the functions specified in subsection  
4 (a) with respect to civil liberties.

5 “(c) SUPERVISION AND COORDINATION.—Each pri-  
6 vacy officer or civil liberties officer described in subsection  
7 (a) or (b) shall—

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

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

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

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

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

20 “(3) is consulted by decisionmakers; and

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

24 “(e) REPRISAL FOR MAKING COMPLAINT.—No ac-  
25 tion constituting a reprisal, or threat of reprisal, for mak-

1 ing a complaint or for disclosing information to a privacy  
2 officer or civil liberties officer described in subsection (a)  
3 or (b), or to the Privacy and Civil Liberties Oversight  
4 Board, that indicates a possible violation of privacy protec-  
5 tions or civil liberties in the administration of the pro-  
6 grams and operations of the Federal Government relating  
7 to efforts to protect the Nation from terrorism shall be  
8 taken by any Federal employee in a position to take such  
9 action, unless the complaint was made or the information  
10 was disclosed with the knowledge that it was false or with  
11 willful disregard for its truth or falsity.

12 “(f) PERIODIC REPORTS.—

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

18 “(A)(i) to the appropriate congressional  
19 committees, including the Committees on the  
20 Judiciary of the Senate and the House of Rep-  
21 resentatives, the Committee on Homeland Secu-  
22 rity and Governmental Affairs of the Senate,  
23 the Committee on Oversight and Government  
24 Reform of the House of Representatives, the  
25 Select Committee on Intelligence of the Senate,

1 and the Permanent Select Committee on Intel-  
2 ligence of the House of Representatives;

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

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

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

10 “(2) CONTENTS.—Each report submitted under  
11 paragraph (1) shall include information on the dis-  
12 charge of each of the functions of the officer con-  
13 cerned, including—

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

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

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

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

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



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

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

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

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

21           “(2) CLERICAL AMENDMENT.—The table of con-  
22 tents in section 1(b) of such Act is amended by  
23 striking the item relating to section 1062 and insert-  
24 ing the following:

“Sec. 1062. Privacy and civil liberties officers.”.

1           **Subtitle B—Enhancement of**  
2           **Privacy Officer Authorities**

3   **SEC. 811. SHORT TITLE.**

4           This subtitle may be cited as the “Privacy Officer  
5 With Enhanced Rights Act of 2007” or the “POWER  
6 Act”.

7   **SEC. 812. AUTHORITIES OF THE PRIVACY OFFICER OF THE**  
8           **DEPARTMENT OF HOMELAND SECURITY.**

9           Section 222 of the Homeland Security Act of 2002  
10 (6 U.S.C. 142) is amended—

11           (1) by inserting before the first sentence the  
12 following: “(a) APPOINTMENT AND RESPONSIBIL-  
13 ITIES.—”; and

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

15           “(b) AUTHORITY TO INVESTIGATE.—

16           “(1) IN GENERAL.—The senior official ap-  
17 pointed under this section is specifically author-  
18 ized—

19           “(A) to have access to all records, reports,  
20 audits, reviews, documents, papers, rec-  
21 ommendations, and other materials available to  
22 the Department that relate to programs and op-  
23 erations with respect to which the senior official  
24 has responsibilities under this section;

1           “(B) to make such investigations and re-  
2           ports relating to the administration of the pro-  
3           grams and operations of the Department as  
4           are, in the senior official’s judgment, necessary  
5           or desirable;

6           “(C) to require by subpoena the produc-  
7           tion, by persons other than Federal agencies, of  
8           all information, documents, reports, answers,  
9           records, accounts, papers, and other data and  
10          documentary evidence necessary to performance  
11          of the functions of the senior official under this  
12          section;

13          “(D) to administer to or take from any  
14          person an oath, affirmation, or affidavit, when-  
15          ever necessary to performance of the functions  
16          of the senior official under this section; and

17          “(E) to take any other action that may be  
18          taken by the Inspector General of the Depart-  
19          ment, as necessary to require employees of the  
20          Department to produce documents and answer  
21          questions relevant to performance of the func-  
22          tions of the senior official under this section.

23          “(2) ENFORCEMENT OF SUBPOENAS.— Any  
24          subpoena issued under paragraph (1)(C) shall, in  
25          the case of contumacy or refusal to obey, be enforce-

1       able by order of any appropriate United States dis-  
2       trict court.

3               “(3) EFFECT OF OATHS, ETC.—Any oath, affir-  
4       mation, or affidavit administered or taken under  
5       paragraph (1)(D) by or before an employee of the  
6       Privacy Office designated for that purpose by the  
7       senior official appointed under subsection (a) shall  
8       have the same force and effect as if administered or  
9       taken by or before an officer having a seal of office.

10       “(c) TERM OF OFFICE.—The term of appointment of  
11       a senior official under subsection (a) shall be 5 years.

12       “(d) REPORTS TO CONGRESS.—The senior official  
13       appointed under subsection (a) shall submit reports di-  
14       rectly to Congress regarding performance of the respon-  
15       sibilities of the senior official under this section, without  
16       any prior comment or amendment by the Secretary, Dep-  
17       uty Secretary, or any other officer or employee of the De-  
18       partment or the Office of Management and Budget.”.

19       **TITLE IX—IMPROVING CRITICAL**  
20       **INFRASTRUCTURE SECURITY**

21       **SEC. 901. VULNERABILITY ASSESSMENT AND REPORT ON**  
22       **CRITICAL INFRASTRUCTURE INFORMATION.**

23       (a) IN GENERAL.—Subtitle B of title II of the Home-  
24       land Security Act of 2002 is amended by adding at the  
25       end the following new section:

1 **“SEC. 216. ANNUAL CRITICAL INFRASTRUCTURE VULNER-**  
2 **ABILITY ASSESSMENT AND REPORT.**

3 “(a) VULNERABILITY ASSESSMENT REQUIRED.—Ex-  
4 cept where a vulnerability assessment is required under  
5 another provision of law, for each fiscal year, the Sec-  
6 retary, acting through the Assistant Secretary for Infra-  
7 structure Protection pursuant to the responsibilities under  
8 section 210A, shall prepare a vulnerability assessment of  
9 the critical infrastructure information available to the Sec-  
10 retary with respect to that fiscal year. Each vulnerability  
11 assessment shall contain any actions or countermeasures  
12 proposed or recommended by the Secretary to address se-  
13 curity concerns covered in the assessment. The informa-  
14 tion in each such assessment shall be set forth separately  
15 for each critical infrastructure sector, including the critical  
16 infrastructure sectors named in Homeland Security Presi-  
17 dential Directive-7, as in effect on January 1, 2006.

18 “(b) ANNUAL REPORT TO CONGRESS.—

19 “(1) REPORT REQUIRED.—Not later than six  
20 months after the last day of a fiscal year, the Sec-  
21 retary shall submit to the Committee on Homeland  
22 Security of the House of Representatives and the  
23 Committee on Homeland Security and Governmental  
24 Affairs of the Senate a report containing a summary  
25 and review of the vulnerability assessments prepared  
26 by the Secretary under subsection (a) for that fiscal

1 year and the two preceding fiscal years. The infor-  
2 mation in the report shall be set forth separately for  
3 each of the critical infrastructure sectors described  
4 in subsection (a).

5 “(2) CONTENTS OF REPORT.—The Secretary  
6 shall include in the report required under paragraph  
7 (1)—

8 “(A) for each critical infrastructure sector  
9 covered by the report, a summary comparison  
10 describing any changes between the vulner-  
11 ability assessment for the fiscal year covered by  
12 the report and the vulnerability assessment for  
13 the preceding fiscal year;

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

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

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

22 (b) TECHNICAL AMENDMENT.—Section 212(3) of  
23 such Act (6 U.S.C. 131(3)) is amended—

1           (1) by inserting “relating to” after “the secu-  
2           rity of critical infrastructure or protected systems”;  
3           and

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

6           (c) CLERICAL AMENDMENT.—The table of contents  
7           in section 1(b) of such Act is amended by inserting after  
8           the item relating to section 215 the following new item:  
          “Sec. 216. Annual critical infrastructure vulnerability assessment and report.”.

9           **SEC. 902. NATIONAL ASSET DATABASE AND THE NATIONAL**  
10                                   **AT-RISK DATABASE.**

11           (a) IN GENERAL.—Subtitle A of title II of the Home-  
12           land Security Act of 2002 is amended by adding at the  
13           end the following new sections:

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

16           “(a) ESTABLISHMENT.—

17                   “(1) NATIONAL ASSET DATABASE.—The Sec-  
18           retary shall establish and maintain a national data-  
19           base of nationwide critical infrastructure assets to  
20           identify and prioritize critical infrastructure and key  
21           resources and to protect them from terrorist attack.  
22           The database shall be known as the ‘National Asset  
23           Database’.

24                   “(2) NATIONAL AT-RISK DATABASE.—The Sec-  
25           retary shall establish within the National Asset

1 Database, a database containing a list of the infra-  
2 structure the Secretary determines is most at risk,  
3 to be known as the ‘National At-Risk Database’.

4 “(3) NATIONAL ASSET DATABASE CONSOR-  
5 TIUM.—

6 “(A) ESTABLISHMENT.—The Secretary  
7 shall establish a consortium to be known as the  
8 ‘National Asset Database Consortium’. The  
9 Consortium shall advise the Secretary on the  
10 best way to identify, generate, organize, and  
11 maintain the databases described in paragraphs  
12 (1) and (2) and shall be made up of at least  
13 two but not more than four national labora-  
14 tories and the heads of such other Federal  
15 agencies as the Secretary deems appropriate.

16 “(B) ADMINISTRATION AND CONSULTA-  
17 TION.—The Secretary shall—

18 “(i) select as members of the National  
19 Asset Database Consortium national lab-  
20 oratories or Federal agencies that have  
21 demonstrated experience working with and  
22 identifying critical infrastructure;

23 “(ii) enter into contracts, as nec-  
24 essary, with the members of the National



1 Asset Database Consortium to perform the  
2 tasks required under this section; and

3 “(iii) solicit and receive comments  
4 from the National Asset Database Consor-  
5 tium on—

6 “(I) the appropriateness of the  
7 protection and risk methodologies in  
8 the National Infrastructure Protection  
9 Plan or other nationwide infrastruc-  
10 ture protection plan issued by the De-  
11 partment; and

12 “(II) alternative means to define  
13 risk and identify specific criteria to  
14 prioritize the most at-risk infrastruc-  
15 ture or key resources.

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

18 “(1) in the development, coordination, integra-  
19 tion, and implementation of plans and programs, in-  
20 cluding to identify, catalog, prioritize, and protect  
21 critical infrastructure and key resources in accord-  
22 ance with Homeland Security Presidential Directive  
23 number 7, and in cooperation with all levels of gov-  
24 ernment and private sector entities that the Sec-  
25 retary considers appropriate; and

1           “(2) in providing any covered grant to assist in  
2 preventing, reducing, mitigating, or responding to  
3 terrorist attack.

4           “(c) MAINTENANCE OF DATABASE.—

5           “(1) IN GENERAL.—The Secretary shall main-  
6 tain and annually update the database, including  
7 by—

8           “(A) annually defining and systematically  
9 examining assets in the database that are de-  
10 scribed incorrectly or that do not meet national  
11 assets guidelines used by the Secretary to deter-  
12 mine which assets should remain in the Na-  
13 tional Asset Database and the National At-Risk  
14 Database;

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

20           “(C) reviewing the guidelines to the States  
21 to ensure consistency and uniformity for inclu-  
22 sion and how the Department intends to use  
23 that data;

24           “(D) meeting annually with the States to  
25 provide guidance and clarification of the guide-

1 lines to promote consistency and uniformity in  
2 submissions;

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

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

15 “(2) ORGANIZATION OF INFORMATION IN DATA-  
16 BASE.—The Secretary shall—

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

23 “(B) classify assets in the database accord-  
24 ing to the 17 sectors listed in National Infra-  
25 structure Protection Plan developed pursuant to

1 Homeland Security Presidential Directive 7, to  
2 ensure that the assets in the National Asset  
3 Database and the National At-Risk Database  
4 can be categorized by State and locality, region-  
5 ally, and in such a manner as is effective for  
6 grants and other purposes.

7 “(3) MILESTONES AND GUIDELINES.—The Sec-  
8 retary shall—

9 “(A) identify and evaluate key milestones  
10 for the National Asset Database and the Na-  
11 tional At-Risk Database, including methods to  
12 integrate private sector assets and tasks that  
13 must be completed to eventually allocate home-  
14 land security grant programs based on the in-  
15 formation contained in the database; and

16 “(B) issue guidelines for—

17 “(i) States to submit uniform infor-  
18 mation for possible inclusion in the Na-  
19 tional Asset Database or the National At-  
20 Risk Database; and

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

23 “(d) REPORTS.—

24 “(1) IN GENERAL.—Not later than March 1 of  
25 each year, the Secretary shall submit to the Com-

1       mittee on Homeland Security of the House of Rep-  
2       representatives and the Committee on Homeland Secu-  
3       rity and Governmental Affairs of the Senate a report  
4       on the critical infrastructure included in the Na-  
5       tional Asset Database that is most at risk to ter-  
6       rorism.

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

9               “(A) The name, location, and sector classi-  
10       fication of assets in the National Asset Data-  
11       base that have been identified or deemed crit-  
12       ical infrastructure that is most at risk to ter-  
13       rorism.

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

18              “(i) defining and identifying critical  
19       infrastructure; and

20              “(ii) compiling a usable database.

21              “(C) The extent to which the database has  
22       been used as a tool for allocating funds to pre-  
23       vent, reduce, mitigate, and respond to terrorist  
24       attacks.

1           “(3) CLASSIFIED INFORMATION.—The Sec-  
2           retary shall provide to the members of the commit-  
3           tees to which the report required under this sub-  
4           section is required to be submitted under paragraph  
5           (1) a classified briefing on the contents of such re-  
6           port. The Secretary shall also submit with each re-  
7           port a classified annex containing information re-  
8           quired to be submitted under this section that can-  
9           not be made public.

10          “(e) COVERED GRANT DEFINED.—In this section,  
11          the term ‘covered grant’ means any grant provided by the  
12          Department under any of the following:

13                 “(1) The Urban Area Security Initiative.

14                 “(2) The Buffer Zone Protection Program.

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

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

20          (b) DEADLINES FOR IMPLEMENTATION AND NOTIFI-  
21          CATION OF CONGRESS.—

22                 (1) DEADLINE FOR RECOMMENDATIONS.—Not  
23                 later than 60 days after the date of the enactment  
24                 of this Act, the Secretary of Homeland Security  
25                 shall secure recommendations on how to identify,

1 generate, organize, and maintain the list of assets in  
2 the databases from the consortium of national lab-  
3 oratories, as required under section 210C(a)(2) of  
4 the Homeland Security Act of 2002, as added by  
5 subsection (a).

6 (2) DEADLINE FOR FIRST REPORT REGARDING  
7 USE OF THE NATIONAL ASSET DATABASE.—Notwith-  
8 standing the date specified under section 210C(d) of  
9 the Homeland Security Act of 2002, as added by  
10 subsection (a), the Secretary of Homeland Security  
11 shall submit the first report required under that sec-  
12 tion not later than 180 days after the date of the  
13 enactment of this Act.

14 (c) CLERICAL AMENDMENT.—The table of contents  
15 in section 1(b) of such Act is further amended by inserting  
16 after the item relating to section 210 the following:

“Sec. 210C. National Asset Database and National At-Risk Database.”.

17 (d) SUBMITTAL OF CERTAIN REPORTS.—Each report  
18 that is authorized or required by this Act (or the amend-  
19 ments made by this Act) to be prepared by the Secretary  
20 of Homeland Security and that concerns a matter of the  
21 type carried out under an program under the jurisdiction  
22 of the Committee on Energy and Commerce of the House  
23 of Representatives shall be submitted to the Committee  
24 on Energy and Commerce of the House of Representa-

1 tives, in addition to the other congressional committees in-  
2 volved.

3 **TITLE X—TRANSPORTATION SE-**  
4 **CURITY PLANNING AND IN-**  
5 **FORMATION SHARING**

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

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

10 “(u) STRATEGIC INFORMATION SHARING.—

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

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

24 “(3) CONTENT OF PLAN.—The plan shall in-  
25 clude—



1           “(A) a description of how intelligence ana-  
2           lysts in the Transportation Security Adminis-  
3           tration are coordinating their activities with  
4           other intelligence analysts in the Department of  
5           Homeland Security and other Federal, State,  
6           and local agencies;

7           “(B) reasonable deadlines for completing  
8           any organizational changes within the Depart-  
9           ment of Homeland Security required to accom-  
10          modate implementation of the plan; and

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

13          “(4) REPORTS TO CONGRESS.—

14                 “(A) IN GENERAL.—Not later than 180  
15                 days after the date of enactment of this sub-  
16                 section, the Secretary shall submit to the appro-  
17                 priate congressional committees a report con-  
18                 taining the plan.

19                 “(B) UPDATES.—

20                         “(i) CERTIFICATION OF FULL IMPLE-  
21                         MENTATION.—After achieving full imple-  
22                         mentation of the plan, the Secretary shall  
23                         submit to the appropriate congressional  
24                         committees a written certification of such  
25                         implementation.

1           “(ii) UPDATES ON IMPLEMENTA-  
2           TION.—Not later than 90 days after the  
3           date of submission of a report under sub-  
4           paragraph (A), and every 90 days there-  
5           after until the date of submission of a  
6           written certification under clause (i), the  
7           Secretary shall submit to the appropriate  
8           congressional committees a report con-  
9           taining an update on implementation of  
10          the plan.

11          “(C) ANNUAL REPORT.—Following the  
12          date of submission of a written certification  
13          under subparagraph (B)(i), the Secretary shall  
14          submit to the appropriate congressional com-  
15          mittees an annual report on the following:

16                 “(i) The number of transportation in-  
17                 telligence reports disseminated under the  
18                 plan and a brief description of each report.

19                 “(ii) The security classification of  
20                 each report.

21                 “(iii) The number of public and pri-  
22                 vate stakeholders who were provided with  
23                 each report.

24          “(5) SURVEY.—The Secretary shall conduct an  
25          annual survey of the satisfaction of each of the re-

1 recipients of transportation intelligence reports dis-  
2 seminated under the plan, and include the results of  
3 the survey as part of the annual report to be sub-  
4 mitted under paragraph (4)(C).

5 “(6) SECURITY CLEARANCES.—The Secretary  
6 shall ensure that public and private stakeholders  
7 have the security clearances needed to receive classi-  
8 fied information if information contained in trans-  
9 portation intelligence reports cannot be disseminated  
10 in an unclassified format.

11 “(7) CLASSIFICATION OF MATERIAL.—To the  
12 greatest extent possible, the Secretary shall provide  
13 public and private stakeholders with specific and ac-  
14 tionable information in an unclassified format.

15 “(8) DEFINITIONS.—In this subsection, the fol-  
16 lowing definitions apply:

17 “(A) APPROPRIATE CONGRESSIONAL COM-  
18 MITTEES.—The term ‘appropriate congressional  
19 committees’ has the meaning given that term in  
20 subsection (t).

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

24 “(C) PUBLIC AND PRIVATE STAKE-  
25 HOLDERS.—The term ‘public and private stake-

1 holders' means Federal, State, and local agen-  
2 cies, tribal governments, and appropriate pri-  
3 vate entities, including nonprofit employee labor  
4 organizations.”.

5 **SEC. 1002. TRANSPORTATION SECURITY STRATEGIC PLAN-**  
6 **NING.**

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

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

15 (b) ROLE OF SECRETARY OF TRANSPORTATION.—  
16 Section 114(t)(2) of such title is amended by inserting be-  
17 fore the period at the end the following: “and in carrying  
18 out all other responsibilities set forth in this subsection”.

19 (c) CONTENTS OF NATIONAL STRATEGY FOR TRANS-  
20 PORTATION SECURITY.—Section 114(t)(3) of such title is  
21 amended—

22 (1) in subparagraph (B) by inserting “, based  
23 on vulnerability assessments conducted by the De-  
24 partment of Homeland Security,” after “risk-based  
25 priorities”;

1 (2) in subparagraph (D)—

2 (A) by striking “and local” and inserting  
3 “, local, and tribal”; and

4 (B) by striking “private sector cooperation  
5 and participation” and inserting “cooperation  
6 and participation by private sector entities, in-  
7 cluding nonprofit employee labor organiza-  
8 tions,”;

9 (3) in subparagraph (E)—

10 (A) by striking “response” and inserting  
11 “prevention, response,”; and

12 (B) by inserting “and outside of” before  
13 “the United States”; and

14 (4) in subparagraph (F) by adding at the end  
15 the following: “Research and development projects  
16 initiated by the Department of Homeland Security  
17 shall be based on such prioritization.”.

18 (d) PERIODIC PROGRESS REPORT.—Section  
19 114(t)(4)(C) is amended—

20 (1) in clause (i) by inserting before the period  
21 at the end the following: “, including the transpor-  
22 tation modal security plans”;

23 (2) by striking clause (ii) and inserting the fol-  
24 lowing:

1                   “(ii) CONTENT.—Each progress re-  
2                   port submitted under this subparagraph  
3                   shall include, at a minimum, the following:

4                               “(I) Recommendations for im-  
5                               proving and implementing the Na-  
6                               tional Strategy for Transportation Se-  
7                               curity and the transportation modal  
8                               security plans that the Secretary, in  
9                               consultation with the Secretary of  
10                              Transportation, considers appropriate.

11                             “(II) An accounting of all grants  
12                             for transportation security, including  
13                             grants for research and development,  
14                             distributed by the Department of  
15                             Homeland Security in the previous  
16                             year and a description of how the  
17                             grants accomplished the goals of the  
18                             National Strategy for Transportation  
19                             Security.

20                             “(III) An accounting of all funds  
21                             (other than grants referred in sub-  
22                             clause (II)) expended by the Depart-  
23                             ment of Homeland Security on trans-  
24                             portation security.

1                   “(IV) Information on the number  
2 of employees of the Department of  
3 Homeland Security, by agency, work-  
4 ing on transportation security issues.  
5 The listing shall be divided by trans-  
6 portation mode, including aviation,  
7 bridge and tunnel, commuter rail and  
8 ferry, highway, maritime, pipeline,  
9 rail, mass transit, over-the-road bus,  
10 and other public transportation  
11 modes. The listing shall include infor-  
12 mation, by transportation mode, on  
13 the number of contractors hired by  
14 the Department of Homeland Security  
15 to work on transportation-related se-  
16 curity.

17                   “(V) Information on the turnover  
18 in the previous year among employees  
19 of the Department of Homeland Secu-  
20 rity working on transportation secu-  
21 rity issues. Specifically, the report  
22 shall provide information on the num-  
23 ber of employees who have left the  
24 Department, their agency, the area in  
25 which they worked, and the amount of

1                   time that they worked for the Depart-  
2                   ment.

3                   “(iii) WRITTEN EXPLANATION OF  
4                   TRANSPORTATION SECURITY ACTIVITIES  
5                   NOT DELINEATED IN THE NATIONAL  
6                   STRATEGY FOR TRANSPORTATION SECU-  
7                   RITY.—Before carrying out a transpor-  
8                   tation security activity that is not clearly  
9                   delineated in the National Strategy for  
10                  Transportation Security, the Secretary  
11                  shall submit to appropriate congressional  
12                  committees a written explanation of the ac-  
13                  tivity, including the amount of funds to be  
14                  expended for the activity.”.

15                  (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
16                  FINED.—Section 114(t)(4)(E) of such title is amended by  
17                  striking “Select”.

18                  (f) PRIORITY STATUS.—Section 114(t)(5)(B) of such  
19                  title is amended—

20                         (1) by striking “and” at the end of clause (iii);

21                         (2) by redesignating clause (iv) as clause (v);

22                         and

23                         (3) by inserting after clause (iii) the following:



1                   “(iv) the transportation sector specific  
2                   plan required under Homeland Security  
3                   Presidential Directive 7; and”.

4           (g) COORDINATION; PLAN DISTRIBUTION.—Section  
5 114(t) of such title is amended by adding at the end the  
6 following:

7                   “(6) COORDINATION.—In carrying out the re-  
8                   sponsibilities set forth in this section, the Secretary  
9                   of Homeland Security, working with the Secretary of  
10                  Transportation, shall consult with Federal, State,  
11                  and local agencies, tribal governments, private sector  
12                  entities (including nonprofit employee labor organi-  
13                  zations), institutions of higher learning, and other  
14                  appropriate entities.

15                  “(7) PLAN DISTRIBUTION.—The Secretary of  
16                  Homeland Security shall provide an unclassified  
17                  version of the National Strategy for Transportation  
18                  Security to Federal, State, and local agencies, tribal  
19                  governments, private sector entities (including non-  
20                  profit employee labor organizations), institutions of  
21                  higher learning, and other appropriate entities.”.

1           **TITLE XI—PRIVATE SECTOR**  
2                           **PREPAREDNESS**

3   **SEC. 1101. PARTICIPATION OF PRIVATE SECTOR ORGANIZA-**  
4                           **TIONS IN EMERGENCY PREPAREDNESS AND**  
5                           **RESPONSE ACTIVITIES.**

6           (a) ESTABLISHMENT OF PREPAREDNESS PRO-  
7   GRAM.—Section 519 of the Homeland Security Act of  
8   2002 (6 U.S.C. 318) is amended—

9                   (1) by striking the section heading and insert-  
10           ing the following:

11   **“SEC. 519. PARTICIPATION OF PRIVATE SECTOR ORGANIZA-**  
12                           **TIONS IN EMERGENCY PREPAREDNESS AND**  
13                           **RESPONSE ACTIVITIES.”;**

14                   (2) by inserting “(a) USE OF PRIVATE SECTOR  
15   NETWORKS IN EMERGENCY RESPONSE.—” before  
16   “To the maximum”; and

17                   (3) by adding at the end the following:

18   **“(b) PRIVATE SECTOR EMERGENCY PREPAREDNESS**  
19   **PROGRAM.—**

20                   “(1) PREPAREDNESS PROGRAM.—Not later  
21   than 90 days after the date of enactment of this  
22   subsection, the Secretary shall develop and imple-  
23   ment a program to enhance private sector prepared-  
24   ness for acts of terrorism and other emergencies and

1 disasters through the promotion of the use of vol-  
2 untary consensus standards.

3 “(2) PROGRAM ELEMENTS.—In carrying out  
4 the program, the Secretary shall develop guidance  
5 and identify best practices to assist or foster action  
6 by the private sector in—

7 “(A) identifying hazards and assessing  
8 risks and impacts;

9 “(B) mitigating the impacts of a wide vari-  
10 ety of hazards, including weapons of mass de-  
11 struction;

12 “(C) managing necessary emergency pre-  
13 paredness and response resources;

14 “(D) developing mutual aid agreements;

15 “(E) developing and maintaining emer-  
16 gency preparedness and response plans, as well  
17 as associated operational procedures;

18 “(F) developing and conducting training  
19 and exercises to support and evaluate emer-  
20 gency preparedness and response plans and  
21 operational procedures;

22 “(G) developing and conducting training  
23 programs for security guards to implement  
24 emergency preparedness and response plans  
25 and operations procedures; and

1           “(H) developing procedures to respond to  
2 external requests for information from the  
3 media and the public.

4           “(3) STANDARDS.—

5           “(A) IN GENERAL.—The Secretary shall  
6 support the development of, promulgate, and  
7 regularly update as necessary national vol-  
8 untary consensus standards for private sector  
9 emergency preparedness that will enable private  
10 sector organizations to achieve optimal levels of  
11 emergency preparedness as soon as practicable.  
12 Such standards shall include the National Fire  
13 Protection Association 1600 Standard on Dis-  
14 aster/Emergency Management and Business  
15 Continuity Programs.

16           “(B) CONSULTATION.—The Secretary  
17 shall carry out paragraph (1) in consultation  
18 with the Assistant Secretary for Infrastructure  
19 Protection, the Assistant Secretary for Cyber  
20 Security and Communications, the Under Sec-  
21 retary for Science and Technology, the Director  
22 of the Federal Emergency Management Agency,  
23 and the Special Assistant to the Secretary for  
24 the Private Sector.

1           “(4) COORDINATION.—The Secretary shall co-  
2           ordinate the program with, and utilize to the max-  
3           imum extent practicable—

4                   “(A) the voluntary standards for disaster  
5                   and emergency management and business con-  
6                   tinuity programs accredited by the American  
7                   National Standards Institute and developed by  
8                   the National Fire Protection Association; and

9                   “(B) any existing private sector emergency  
10                  preparedness guidance or best practices devel-  
11                  oped by private sector industry associations or  
12                  other organizations.”.

13          (b) CONFORMING AMENDMENT.—The table of con-  
14          tents contained in section 1(b) of such Act is amended  
15          by striking the item relating to section 519 and inserting  
16          the following:

                  “Sec. 519. Participation of private sector organizations in emergency prepared-  
                  ness and response activities.”.

17       **TITLE XII—PREVENTING WEAP-**  
18       **ONS OF MASS DESTRUCTION**  
19       **PROLIFERATION AND TER-**  
20       **RORISM**

21       **SEC. 1201. FINDINGS.**

22          (a) FINDINGS OF THE 9/11 COMMISSION.—Congress  
23          finds that the 9/11 Commission made the following deter-  
24          minations:

1           (1) The United States Government has made  
2           insufficient progress, and receives a grade “D”, on  
3           efforts to prevent weapons of mass destruction  
4           (WMD) proliferation and terrorism.

5           (2) The Cooperative Threat Reduction (CTR)  
6           program has made significant accomplishments, but  
7           much remains to be done to secure weapons-grade  
8           nuclear materials. The size of the problem still  
9           dwarfs the policy response. Nuclear materials in the  
10          former Soviet Union still lack effective security pro-  
11          tection, and sites throughout the world contain  
12          enough highly-enriched uranium to fashion a nuclear  
13          device but lack even basic security features.

14          (3) Preventing the proliferation of WMD and  
15          acquisition of such weapons by terrorists warrants a  
16          maximum effort, by strengthening counter-prolifera-  
17          tion efforts, expanding the Proliferation Security  
18          Initiative (PSI), and supporting the Cooperative  
19          Threat Reduction (CTR) Program.

20          (4) Preventing terrorists from gaining access to  
21          WMD must be an urgent national security priority  
22          because of the threat such access poses to the Amer-  
23          ican people. The President should develop a com-  
24          prehensive plan to dramatically accelerate the time-  
25          table for securing all nuclear weapons-usable mate-

1       rial around the world and request the necessary re-  
2       sources to complete this task. The President should  
3       publicly state this goal and ensure its fulfillment.

4           (5) Congress should provide the resources need-  
5       ed to secure vulnerable materials as quickly as pos-  
6       sible.

7       (b) RECOMMENDATIONS OF 9/11 COMMISSION.—  
8       Congress further finds that the 9/11 Commission has  
9       made the following recommendations:

10           (1) STRENGTHEN “COUNTER-PROLIFERATION”  
11       EFFORTS.—The United States should work with the  
12       international community to develop laws and an  
13       international legal regime with universal jurisdiction  
14       to enable any state in the world to capture, interdict,  
15       and prosecute smugglers of nuclear material.

16           (2) EXPAND THE PROLIFERATION SECURITY  
17       INITIATIVE.—In carrying out the Proliferation Secu-  
18       rity Initiative (PSI), the United States should—

19           (A) use intelligence and planning resources  
20       of the North Atlantic Treaty Organization  
21       (NATO) alliance;

22           (B) make participation open to non-NATO  
23       countries; and

24           (C) encourage Russia and the People’s Re-  
25       public of China to participate.

1           (3) SUPPORT THE COOPERATIVE THREAT RE-  
2           DUCTION PROGRAM.—The United States should ex-  
3           pand, improve, increase resources for, and otherwise  
4           fully support the Cooperative Threat Reduction  
5           (CTR) program.

6 **SEC. 1202. DEFINITIONS.**

7           In this title:

8           (1) The terms “prevention of weapons of mass  
9           destruction proliferation and terrorism” and “pre-  
10          vention of WMD proliferation and terrorism” in-  
11          clude activities under—

12                   (A) the programs specified in section  
13                   1501(b) of the National Defense Authorization  
14                   Act for Fiscal Year 1997 (Public Law 104-201;  
15                   110 Stat. 2731; 50 U.S.C. 2362 note);

16                   (B) the programs for which appropriations  
17                   are authorized by section 3101(a)(2) of the Bob  
18                   Stump National Defense Authorization Act for  
19                   Fiscal Year 2003 (Public Law 107-314; 116  
20                   Stat. 2458);

21                   (C) programs authorized by section 504 of  
22                   the Freedom for Russia and Emerging Eur-  
23                   asian Democracies and Open Markets Support  
24                   Act of 1992 (the FREEDOM Support Act) (22  
25                   U.S.C. 5854) and programs authorized by sec-



1           tion 1412 of the Former Soviet Union Demili-  
2           tarization Act of 1992 (22 U.S.C. 5902); and

3           (D) a program of any agency of the Fed-  
4           eral Government having a purpose similar to  
5           that of any of the programs identified in sub-  
6           paragraphs (A) through (C), as designated by  
7           the United States Coordinator for the Preven-  
8           tion of Weapons of Mass Destruction Prolifera-  
9           tion and Terrorism and the head of the agency.

10          (2) The terms “weapons of mass destruction”  
11          and “WMD” mean chemical, biological, and nuclear  
12          weapons, and chemical, biological, and nuclear mate-  
13          rials that can be used in the manufacture of such  
14          weapons.

15          (3) The term “items of proliferation concern”  
16          means equipment or other materials that could be  
17          used to develop WMD or for activities involving  
18          WMD.

1 **Subtitle A—Repeal and Modifica-**  
2 **tion of Limitations on Assist-**  
3 **ance for Prevention of WMD**  
4 **Proliferation and Terrorism**

5 **SEC. 1211. REPEAL AND MODIFICATION OF LIMITATIONS**  
6 **ON ASSISTANCE FOR PREVENTION OF WEAP-**  
7 **ONS OF MASS DESTRUCTION PROLIFERATION**  
8 **AND TERRORISM.**

9 Consistent with the recommendations of the 9/11  
10 Commission, Congress repeals or modifies the limitations  
11 on assistance for prevention of weapons of mass destruc-  
12 tion (WMD) proliferation and terrorism as follows:

13 (1) SOVIET NUCLEAR THREAT REDUCTION ACT  
14 OF 1991.—Section 211(b) of the Soviet Nuclear  
15 Threat Reduction Act of 1991 (title II of Public  
16 Law 102-228; 22 U.S.C. 2551 note) is repealed.

17 (2) COOPERATIVE THREAT REDUCTION ACT OF  
18 1993.—Section 1203(d) of the Cooperative Threat  
19 Reduction Act of 1993 (title XII of Public Law 103-  
20 160; 22 U.S.C. 5952(d)) is repealed.

21 (3) RUSSIAN CHEMICAL WEAPONS DESTRUC-  
22 TION FACILITIES.—Section 1305 of the National De-  
23 fense Authorization Act for Fiscal Year 2000 (Pub-  
24 lic Law 106-65; 22 U.S.C. 5952 note) is repealed.

1           (4) AUTHORITY TO USE COOPERATIVE THREAT  
2           REDUCTION FUNDS OUTSIDE THE FORMER SOVIET  
3           UNION—MODIFICATION OF CERTIFICATION RE-  
4           QUIREMENT; REPEAL OF FUNDING LIMITATION;  
5           CONGRESSIONAL NOTICE REQUIREMENT.—Section  
6           1308 of the National Defense Authorization Act for  
7           Fiscal Year 2004 (Public Law 108-136; 22 U.S.C.  
8           5963) is amended—

9           (A) in subsection (a)—

10                   (i) by striking “the President may”  
11                   and inserting “the Secretary of Defense  
12                   may”; and

13                   (ii) by striking “if the President” and  
14                   inserting “if the Secretary of Defense, with  
15                   the concurrence of the Secretary of  
16                   State,”;

17           (B) by striking subsection (c);

18           (C) in subsection (d)(1)—

19                   (i) by striking “The President may  
20                   not” and inserting “The Secretary of De-  
21                   fense may not”; and

22                   (ii) by striking “until the President”  
23                   and inserting “until the Secretary of De-  
24                   fense”;

25           (D) in subsection (d)(2)—

1 (i) by striking “Not later than 10  
2 days after” and inserting “Not later than  
3 15 days prior to”;

4 (ii) by striking “the President shall”  
5 and inserting “the Secretary of Defense  
6 shall”; and

7 (iii) by striking “Congress” and in-  
8 serting “the Committee on Armed Services  
9 and the Committee on Foreign Affairs of  
10 the House of Representatives and the  
11 Committee on Armed Services and Com-  
12 mittee on Foreign Relations of the Sen-  
13 ate”; and

14 (E) in subsection (d) by adding at the end  
15 the following:

16 “(3) In the case of a situation that threatens human  
17 life or safety or where a delay would severely undermine  
18 the national security of the United States, notification  
19 under paragraph (2) shall be made not later than 10 days  
20 after obligating funds under the authority in subsection  
21 (a) for a project or activity.”.

22 (5) AUTHORITY TO USE INTERNATIONAL NU-  
23 CLEAR MATERIALS PROTECTION AND COOPERATION  
24 PROGRAM FUNDS OUTSIDE THE FORMER SOVIET  
25 UNION—MODIFICATION OF CERTIFICATION RE-

1       QUIREMENT; REPEAL OF FUNDING LIMITATION;  
2       CONGRESSIONAL NOTICE REQUIREMENT.—Section  
3       3124 of the National Defense Authorization Act for  
4       Fiscal Year 2004 (Public Law 108-136; 117 Stat.  
5       1747) is amended—

6               (A) in subsection (a)—

7                       (i) by striking “the President may”  
8                       and inserting “the Secretary of Energy  
9                       may”; and

10                      (ii) by striking “if the President” and  
11                      inserting “if the Secretary of Energy, with  
12                      the concurrence of the Secretary of  
13                      State,”;

14               (B) by striking subsection (c);

15               (C) in subsection (d)(1)—

16                      (i) by striking “The President may  
17                      not” and inserting “The Secretary of En-  
18                      ergy may not”; and

19                      (ii) by striking “until the President”  
20                      and inserting “until the Secretary of En-  
21                      ergy”;

22               (D) in subsection (d)(2)—

23                      (i) by striking “Not later than 10  
24                      days after” and inserting “Not later than  
25                      15 days prior to”;

1 (ii) by striking “the President shall”  
2 and inserting “the Secretary of Energy  
3 shall”; and

4 (iii) by striking “Congress” and in-  
5 serting “the Committee on Armed Services  
6 and the Committee on Foreign Affairs of  
7 the House of Representatives and the  
8 Committee on Armed Services and Com-  
9 mittee on Foreign Relations of the Sen-  
10 ate”; and

11 (E) in subsection (d) by adding at the end  
12 the following:

13 “(3) In the case of a situation that threatens human  
14 life or safety or where a delay would severely undermine  
15 the national security of the United States, notification  
16 under paragraph (2) shall be made not later than 10 days  
17 after obligating funds under the authority in subsection  
18 (a) for a project or activity.”.

## 19 **Subtitle B—Proliferation Security** 20 **Initiative**

### 21 **SEC. 1221. PROLIFERATION SECURITY INITIATIVE IM-** 22 **PROVEMENTS AND AUTHORITIES.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress, consistent with the 9/11 Commission’s rec-  
25 ommendations, that the President should strive to expand

1 and strengthen the Proliferation Security Initiative (PSI)  
2 announced by the President on May 31, 2003, with a par-  
3 ticular emphasis on the following:

4 (1) Issuing a presidential directive to the rel-  
5 evant government agencies and departments that es-  
6 tablishes a defined annual budget and clear authori-  
7 ties, and provides other necessary resources and  
8 structures to achieve more efficient and effective  
9 performance of United States PSI-related activities.

10 (2) Working with the United Nations Security  
11 Council to develop a resolution to authorize the PSI  
12 under international law.

13 (3) Increasing PSI cooperation with non-NATO  
14 partners.

15 (4) Implementing the recommendations of the  
16 Government Accountability Office (GAO) in the Sep-  
17 tember 2006 report titled “Better Controls Needed  
18 to Plan and Manage Proliferation Security Initiative  
19 Activities” (GAO-06-937C), including the following:

20 (A) The Department of Defense and the  
21 Department of State should establish clear PSI  
22 roles and responsibilities, policies and proce-  
23 dures, interagency communication mechanisms,  
24 documentation requirements, and indicators to  
25 measure program results.

1           (B) The Department of Defense and the  
2           Department of State should develop a strategy  
3           to work with PSI-participating countries to re-  
4           solve issues that are impediments to conducting  
5           successful PSI interdictions.

6           (5) Expanding and formalizing the PSI into a  
7           multilateral regime to increase coordination, co-  
8           operation, and compliance among its participating  
9           states in interdiction activities.

10          (b) BUDGET SUBMISSION.—The Secretary of State  
11          and the Secretary of Defense shall submit a defined budg-  
12          et for the PSI, beginning with the budget submissions for  
13          their respective departments for fiscal year 2009.

14          (c) IMPLEMENTATION REPORT.—Not later than 180  
15          days after the date of the enactment of this Act, the Presi-  
16          dent shall transmit to the Committee on Armed Services  
17          and the Committee on Foreign Affairs of the House of  
18          Representatives and the Committee on Armed Services  
19          and the Committee on Foreign Relations of the Senate  
20          a report on the implementation of this section. The report  
21          shall include—

22                (1) the steps taken to implement the rec-  
23                ommendations described in paragraph (4) of sub-  
24                section (a); and



1           (2) the progress made toward implementing the  
2           matters described in paragraphs (1), (2), (3), and  
3           (5) of subsection (a).

4           (d) GAO ANNUAL REPORT.—The Government Ac-  
5           countability Office shall submit to Congress, beginning in  
6           fiscal year 2007, an annual report with its assessment of  
7           the progress and effectiveness of the PSI, which shall in-  
8           clude an assessment of the measures referred to in sub-  
9           section (a).

10   **SEC. 1222. AUTHORITY TO PROVIDE ASSISTANCE TO COOP-**  
11                           **ERATIVE COUNTRIES.**

12           (a) IN GENERAL.—The President is authorized to  
13           provide, on such terms as the President considers appro-  
14           priate, assistance under subsection (b) to any country that  
15           cooperates with the United States and with other coun-  
16           tries allied with the United States to prevent the transport  
17           and transshipment of items of proliferation concern in its  
18           national territory or airspace or in vessels under its control  
19           or registry.

20           (b) TYPES OF ASSISTANCE.—The assistance author-  
21           ized under subsection (a) consists of the following:

22                   (1) Assistance under section 23 of the Arms  
23           Export Control Act (22 U.S.C. 2763).

1           (2) Assistance under chapters 4 (22 U.S.C.  
2           2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part  
3           II of the Foreign Assistance Act of 1961.

4           (3) Drawdown of defense excess defense articles  
5           and services under section 516 of the Foreign As-  
6           sistance Act of 1961 (22 U.S.C. 2321j).

7           (c) CONGRESSIONAL NOTIFICATION.—Assistance au-  
8           thorized under this section may not be provided until at  
9           least 30 days after the date on which the President has  
10          provided notice thereof to the Committee on Armed Serv-  
11          ices, the Committee on Foreign Affairs, and the Com-  
12          mittee on Appropriations of the House of Representatives  
13          and the Committee on Armed Services, the Committee on  
14          Foreign Relations, and the Committee on Appropriations  
15          of the Senate, in accordance with the procedures applica-  
16          ble to reprogramming notifications under section 634A(a)  
17          of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-  
18          1(a)), and has certified to such committees that such as-  
19          sistance will be used in accordance with the requirement  
20          of subsection (e) of this section.

21          (d) LIMITATION.—Assistance may be provided to a  
22          country under section (a) in no more than three fiscal  
23          years.

24          (e) USE OF ASSISTANCE.—Assistance provided under  
25          this section shall be used to enhance the capability of the

1 recipient country to prevent the transport and trans-  
2 shipment of items of proliferation concern in its national  
3 territory or airspace, or in vessels under its control or reg-  
4 istry, including through the development of a legal frame-  
5 work in that country, consistent with any international  
6 laws or legal authorities governing the PSI, to enhance  
7 such capability by criminalizing proliferation, enacting  
8 strict export controls, and securing sensitive materials  
9 within its borders, and to enhance the ability of the recipi-  
10 ent country to cooperate in operations conducted with  
11 other participating countries.

12 (f) LIMITATION ON SHIP OR AIRCRAFT TRANSFERS  
13 TO UNCOOPERATIVE COUNTRIES.—Notwithstanding any  
14 other provision of law, the United States may not transfer  
15 any excess defense article that is a vessel or an aircraft  
16 to a country that has not agreed that it will support and  
17 assist efforts by the United States to interdict items of  
18 proliferation concern until thirty days after the date on  
19 which the President has provided notice of the proposed  
20 transfer to the appropriate congressional committees in  
21 accordance with the procedures applicable to reprogram-  
22 ming notifications under section 634A(a) of the Foreign  
23 Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition  
24 to any other requirement of law.

1 **Subtitle C—Assistance to Accel-**  
2 **erate Programs to Prevent**  
3 **Weapons of Mass Destruction**  
4 **Proliferation and Terrorism**

5 **SEC. 1231. FINDINGS; STATEMENT OF POLICY.**

6 (a) FINDINGS.—Congress is aware that certain  
7 United States threat reduction and nonproliferation pro-  
8 grams have in past years encountered obstacles to timely  
9 obligating and executing the full amount of appropriated  
10 funds, and that certain United States threat reduction and  
11 nonproliferation programs currently encounter such obsta-  
12 cles and therefore maintain unobligated and uncosted bal-  
13 ances. Such obstacles include lack of effective policy guid-  
14 ance, limits on program scope, practical inefficiencies, lack  
15 of cooperation with other countries, and lack of effective  
16 leadership to overcome such obstacles.

17 (b) STATEMENT OF POLICY.—It shall be the policy  
18 of the United States, consistent with the 9/11 Commis-  
19 sion's recommendations, to eliminate the obstacles de-  
20 scribed in subsection (a) with concrete measures, such as  
21 those described in this title, to accelerate and strengthen  
22 progress on preventing weapons of mass destruction  
23 (WMD) proliferation and terrorism. Such measures de-  
24 scribed in this title include the removal and modification  
25 of statutory limits to executing funds, the expansion and

1 strengthening of the PSI, the establishment of the Office  
2 of the United States Coordinator for the Prevention of  
3 Weapons of Mass Destruction Proliferation and Terrorism  
4 under subtitle D, and the establishment of the Commis-  
5 sion on the Prevention of Weapons of Mass Destruction  
6 Proliferation and Terrorism under subtitle E. As a result,  
7 Congress intends that any funds authorized to be appro-  
8 priated to programs for preventing WMD proliferation  
9 and terrorism under this section will be executed in a time-  
10 ly manner.

11 **SEC. 1232. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
12 **DEPARTMENT OF DEFENSE COOPERATIVE**  
13 **THREAT REDUCTION PROGRAM.**

14 (a) FISCAL YEAR 2007.—In addition to any other  
15 amounts authorized to be appropriated, there are author-  
16 ized to be appropriated to the Department of Defense Co-  
17 operative Threat Reduction Program such sums as may  
18 be necessary for fiscal year 2007 for the following pur-  
19 poses:

- 20 (1) Biological weapons proliferation prevention.  
21 (2) Chemical weapons destruction at  
22 Shchuch'ye, Russia.  
23 (3) Acceleration, expansion, and strengthening  
24 of all CTR activities.

1 (b) FUTURE YEARS.—It is the sense of Congress that  
2 in fiscal year 2008 and future fiscal years, the President  
3 should accelerate and expand funding for Cooperative  
4 Threat Reduction programs administered by the Depart-  
5 ment of Defense and such efforts should include, begin-  
6 ning upon enactment of this Act, encouraging additional  
7 commitments by the Russian Federation and other part-  
8 ner nations, as recommended by the 9/11 Commission.

9 **SEC. 1233. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
10 **DEPARTMENT OF ENERGY PROGRAMS TO**  
11 **PREVENT WEAPONS OF MASS DESTRUCTION**  
12 **PROLIFERATION AND TERRORISM.**

13 In addition to any other amounts authorized to be  
14 appropriated, there are authorized to be appropriated to  
15 the Department of Energy National Nuclear Security Ad-  
16 ministration such sums as may be necessary for fiscal year  
17 2007 for programs to prevent weapons of mass destruction  
18 (WMD) proliferation and terrorism, to be used as follows:

19 (1) To accelerate, expand, and strengthen the  
20 Global Threat Reduction Initiative (GTRI), with a  
21 particular emphasis on—

22 (A) the Russian research reactor fuel re-  
23 turn program;

24 (B) international radiological threat reduc-  
25 tion;

1 (C) emerging threats and gap material;  
2 and

3 (D) development of quick response and  
4 short-term capabilities to secure and remove  
5 WMD materials throughout the world.

6 (2) To accelerate, expand, and strengthen the  
7 Nonproliferation and International Security (NIS)  
8 program, with a particular emphasis on—

9 (A) global security and engagement, and  
10 cooperation with the People's Republic of  
11 China, India, and other states;

12 (B) activities to address emerging pro-  
13 liferation concerns in North Korea, Iran, and  
14 elsewhere;

15 (C) participation in negotiations regarding  
16 North Korea's nuclear programs;

17 (D) inter-agency participation in the Pro-  
18 liferation Security Initiative (PSI);

19 (E) technical and other assistance to the  
20 International Atomic Energy Agency (IAEA) to  
21 support efforts to increase the IAEA's capacity  
22 to secure vulnerable WMD materials worldwide  
23 and prevent WMD proliferation and terrorism;

24 (F) efforts to increase United States abil-  
25 ity to help states around the world place the

1 “effective controls” on WMD and related mate-  
2 rials and technology mandated by United Na-  
3 tions Security Council Resolution 1540 (2004);

4 (G) cooperation on international safe-  
5 guards and export controls in South Asia, the  
6 Middle East, and other regions;

7 (H) efforts to strengthen United States  
8 commitments to international regimes and  
9 agreements; and

10 (I) establishment of a contingency fund for  
11 opportunities to prevent WMD proliferation and  
12 terrorism that arise.

13 (3) To accelerate, expand, and strengthen the  
14 International Materials Protection, Control and Ac-  
15 counting (MPC&A) program, with a particular em-  
16 phasis on—

17 (A) implementation of physical protection  
18 and material control and accounting upgrades  
19 at sites;

20 (B) national programs and sustainability  
21 activities in Russia;

22 (C) material consolidation and conversion  
23 (including significant acceleration of the down-  
24 blending of highly-enriched uranium to low-en-  
25 riched uranium, the removal of highly-enriched



1 uranium from facilities, and international par-  
2 ticipation in these efforts);

3 (D) efforts to strengthen cooperation with  
4 Russia;

5 (E) implementation of Second Line of De-  
6 fense Megaports agreements;

7 (F) implementation of Department of En-  
8 ergy actions under the Security and Account-  
9 ability for Every Port Act of 2006 (also known  
10 as the SAFE Port Act; Public Law 109-347);  
11 and

12 (G) promoting and facilitating worldwide  
13 the promulgation of best practices for security  
14 of weapons usable and other nuclear materials.

15 (4) To accelerate, expand, and strengthen the  
16 Research and Development program, with a par-  
17 ticular emphasis on—

18 (A) improvement of United States govern-  
19 ment capability for both short and long-term,  
20 and innovative, research and development that  
21 addresses emerging WMD proliferation and ter-  
22 rorism concerns and will maintain United  
23 States technological advantage, including the  
24 capacity to detect nuclear material origin, ura-

1           nium enrichment, and plutonium reprocessing;  
2           and

3                   (B) efforts to significantly expand the sci-  
4           entific research and development skills and re-  
5           sources available to the Department of Energy's  
6           programs to prevent WMD proliferation and  
7           terrorism.

8   **Subtitle D—Office of the United**  
9   **States Coordinator for the Pre-**  
10 **vention of Weapons of Mass De-**  
11 **struction Proliferation and Ter-**  
12 **rorism**

13 **SEC. 1241. OFFICE OF THE UNITED STATES COORDINATOR**  
14                   **FOR THE PREVENTION OF WEAPONS OF MASS**  
15                   **DESTRUCTION PROLIFERATION AND TER-**  
16                   **RORISM.**

17       (a) **ESTABLISHMENT.**—There is established within  
18 the Executive Office of the President an office to be known  
19 as the “Office of the United States Coordinator for the  
20 Prevention of Weapons of Mass Destruction Proliferation  
21 and Terrorism” (in this subtitle referred to as the “Of-  
22 fice”).

23       (b) **OFFICERS.**—

24           (1) **UNITED STATES COORDINATOR.**—The head  
25 of the Office shall be the United States Coordinator

1 of the Office (in this subtitle referred to as the “Co-  
2 ordinator”).

3 (2) DEPUTY UNITED STATES COORDINATOR.—

4 There shall be a Deputy United States Coordinator  
5 of the Office (in this subtitle referred to as the  
6 “Deputy Coordinator”), who shall—

7 (A) assist the Coordinator in carrying out  
8 the responsibilities of the Coordinator under  
9 this subtitle; and

10 (B) serve as Acting Coordinator in the ab-  
11 sence of the Coordinator and during any va-  
12 cancy in the office of Coordinator.

13 (3) APPOINTMENT.—The Coordinator and Dep-  
14 uty Coordinator shall be appointed by the President,  
15 by and with the advice and consent of the Senate,  
16 and shall be responsible on a full-time basis for the  
17 duties and responsibilities described in this section.

18 (4) LIMITATION.—No person shall serve as Co-  
19 ordinator or Deputy Coordinator while serving in  
20 any other position in the Federal Government.

21 (c) DUTIES.—The responsibilities of the Coordinator  
22 shall include the following:

23 (1) Serving as the advisor to the President on  
24 all matters relating to the prevention of weapons of

1 mass destruction (WMD) proliferation and ter-  
2 rorism.

3 (2) Formulating a comprehensive and well-co-  
4 ordinated United States strategy and policies for  
5 preventing WMD proliferation and terrorism, includ-  
6 ing—

7 (A) measurable milestones and targets to  
8 which departments and agencies can be held ac-  
9 countable;

10 (B) identification of gaps, duplication, and  
11 other inefficiencies in existing activities, initia-  
12 tives, and programs and the steps necessary to  
13 overcome these obstacles;

14 (C) plans for preserving the nuclear secu-  
15 rity investment the United States has made in  
16 Russia, the former Soviet Union, and other  
17 countries;

18 (D) prioritized plans to accelerate,  
19 strengthen, and expand the scope of existing  
20 initiatives and programs, which include identi-  
21 fication of vulnerable sites and material and the  
22 corresponding actions necessary to eliminate  
23 such vulnerabilities;

24 (E) new and innovative initiatives and pro-  
25 grams to address emerging challenges and

1           strengthen United States capabilities, including  
2           programs to attract and retain top scientists  
3           and engineers and strengthen the capabilities of  
4           United States national laboratories;

5           (F) plans to coordinate United States ac-  
6           tivities, initiatives, and programs relating to the  
7           prevention of WMD proliferation and terrorism,  
8           including those of the Department of Energy,  
9           Department of Defense, Department of State,  
10          and Department of Homeland Security, and in-  
11          cluding the Proliferation Security Initiative, the  
12          G-8 Global Partnership Against the Spread of  
13          Weapons and Materials of Mass Destruction,  
14          United Nations Security Council Resolution  
15          1540, and the Global Initiative to Combat Nu-  
16          clear Terrorism;

17          (G) plans to strengthen United States  
18          commitments to international regimes and sig-  
19          nificantly improve cooperation with other coun-  
20          tries relating to the prevention of WMD pro-  
21          liferation and terrorism, with particular empha-  
22          sis on work with the international community to  
23          develop laws and an international legal regime  
24          with universal jurisdiction to enable any state  
25          in the world to interdict and prosecute smug-

1           glers of WMD material, as recommended by the  
2           9/11 Commission; and

3           (H) identification of actions necessary to  
4           implement the recommendations of the Com-  
5           mission on the Prevention of Weapons of Mass  
6           Destruction Proliferation and Terrorism estab-  
7           lished under subtitle E of this title.

8           (3) Leading inter-agency coordination of United  
9           States efforts to implement the strategy and policies  
10          described in this section.

11          (4) Conducting oversight and evaluation of ac-  
12          celerated and strengthened implementation of initia-  
13          tives and programs to prevent WMD proliferation  
14          and terrorism by relevant government departments  
15          and agencies.

16          (5) Overseeing the development of a comprehen-  
17          sive and coordinated budget for programs and initia-  
18          tives to prevent WMD proliferation and terrorism,  
19          ensuring that such budget adequately reflects the  
20          priority of the challenges and is effectively executed,  
21          and carrying out other appropriate budgetary au-  
22          thorities.

23          (d) STAFF.—The Coordinator may appoint and ter-  
24          minate such personnel as may be necessary to enable the  
25          Coordinator to perform his or her duties.

1           (e) CONSULTATION WITH COMMISSION.—The Office  
2 and the Coordinator shall regularly consult with and strive  
3 to implement the recommendations of the Commission on  
4 the Prevention of Weapons of Mass Destruction Prolifera-  
5 tion and Terrorism, established under subtitle E of this  
6 title.

7           (f) ANNUAL REPORT ON STRATEGIC PLAN.—For fis-  
8 cal year 2009 and each fiscal year thereafter, the Coordi-  
9 nator shall submit to Congress, at the same time as the  
10 submission of the budget for that fiscal year under title  
11 31, United States Code, a report on the strategy and poli-  
12 cies developed pursuant to subsection (c)(2), together with  
13 any recommendations of the Coordinator for legislative  
14 changes that the Coordinator considers appropriate with  
15 respect to such strategy and policies and their implemen-  
16 tation or the Office of the Coordinator.

17 **SEC. 1242. REQUEST FOR CORRESPONDING RUSSIAN COOR-**  
18 **DINATOR.**

19           It is the sense of the Congress that, as soon as prac-  
20 tical, the President should personally request the Presi-  
21 dent of the Russian Federation to designate an official of  
22 the Russian Federation having authorities and responsibil-  
23 ities for preventing weapons of mass destruction (WMD)  
24 proliferation and terrorism commensurate with those of  
25 the Coordinator, and with whom the Coordinator should

1 coordinate planning and implementation of activities in  
2 the Russian Federation having the purpose of preventing  
3 WMD proliferation and terrorism.

4 **Subtitle E—Commission on the**  
5 **Prevention of Weapons of Mass**  
6 **Destruction Proliferation and**  
7 **Terrorism**

8 **SEC. 1251. COMMISSION ON THE PREVENTION OF WEAPONS**  
9 **OF MASS DESTRUCTION PROLIFERATION**  
10 **AND TERRORISM.**

11 There is established the Commission on the Preven-  
12 tion of Weapons of Mass Destruction Proliferation and  
13 Terrorism (in this subtitle referred to as the “Commis-  
14 sion”).

15 **SEC. 1252. PURPOSES.**

16 (a) IN GENERAL.—The purposes of the Commission  
17 are to—

18 (1) assess current activities, initiatives, and  
19 programs to prevent WMD proliferation and ter-  
20 rorism; and

21 (2) provide a clear and comprehensive strategy  
22 and concrete recommendations for such activities,  
23 initiatives, and programs.

24 (b) IN PARTICULAR.—The Commission shall give  
25 particular attention to activities, initiatives, and programs



1 to secure all nuclear weapons-usable material around the  
2 world and to significantly accelerate, expand, and  
3 strengthen, on an urgent basis, United States and inter-  
4 national efforts to prevent, stop, and counter the spread  
5 of nuclear weapons capabilities and related equipment,  
6 material, and technology to terrorists and states of con-  
7 cern.

8 **SEC. 1253. COMPOSITION.**

9 (a) MEMBERS.—The Commission shall be composed  
10 of 9 members, of whom—

11 (1) 3 members shall be appointed by the Presi-  
12 dent;

13 (2) 2 members shall be appointed by the major-  
14 ity leader of the Senate;

15 (3) 1 member shall be appointed by the minor-  
16 ity leader of the Senate;

17 (4) 2 members shall be appointed by the Speak-  
18 er of the House of Representatives; and

19 (5) 1 member shall be appointed by the minor-  
20 ity leader of the House of Representatives.

21 (b) CO-CHAIRMEN.—The Commission shall have two  
22 co-chairmen designated from among the members of the  
23 Commission. Of the co-chairmen—

24 (1) 1 shall be designated by the President; and

1           (2) 1 shall be designated jointly by the majority  
2 leader of the Senate and the Speaker of the House  
3 of Representatives.

4           (c) DEADLINE FOR APPOINTMENT.—All members of  
5 the Commission shall be appointed within 90 days of the  
6 date of the enactment of this Act.

7           (d) INITIAL MEETING.—The Commission shall meet  
8 and begin the operations of the Commission as soon as  
9 practicable.

10          (e) QUORUM; VACANCIES.—After its initial meeting,  
11 the Commission shall meet upon the call of the co-chair-  
12 men or a majority of its members. Six members of the  
13 Commission shall constitute a quorum. Any vacancy in the  
14 Commission shall not affect its powers, but shall be filled  
15 in the same manner in which the original appointment was  
16 made.

17 **SEC. 1254. RESPONSIBILITIES.**

18          (a) IN GENERAL.—The Commission shall address—

19           (1) the roles, missions, and structure of all rel-  
20 evant government departments, agencies, and other  
21 actors, including the Office of the United States Co-  
22 ordinator for the Prevention of Weapons of Mass  
23 Destruction Proliferation and Terrorism established  
24 under subtitle D of this title;

25           (2) inter-agency coordination;

1           (3) United States commitments to international  
2 regimes and cooperation with other countries; and

3           (4) the threat of weapons of mass destruction  
4 proliferation and terrorism to the United States and  
5 its interests and allies, including the threat posed by  
6 black-market networks, and the effectiveness of the  
7 responses by the United States and the international  
8 community to such threats.

9           (b) FOLLOW-ON BAKER-CUTLER REPORT.—The  
10 Commission shall also reassess, and where necessary up-  
11 date and expand on, the conclusions and recommendations  
12 of the report titled “A Report Card on the Department  
13 of Energy’s Nonproliferation Programs with Russia” of  
14 January 2001 (also known as the “Baker-Cutler Report”)  
15 and implementation of such recommendations.

16 **SEC. 1255. POWERS.**

17           (a) HEARINGS AND EVIDENCE.—The Commission or,  
18 on the authority of the Commission, any subcommittee or  
19 member thereof, may, for the purpose of carrying out this  
20 subtitle, hold such hearings and sit and act at such times  
21 and places, take such testimony, receive such evidence,  
22 and administer such oaths as the Commission or such des-  
23 ignate subcommittee or designated member may deter-  
24 mine advisable.

1 (b) CONTRACTING.—The Commission may, to such  
2 extent and in such amounts as are provided in appropria-  
3 tions Acts, enter into contracts to enable the Commission  
4 to discharge its duties under this subtitle.

5 (c) INFORMATION FROM FEDERAL AGENCIES.—

6 (1) IN GENERAL.—The Commission is author-  
7 ized to secure directly from any executive depart-  
8 ment, bureau, agency, board, commission, office,  
9 independent establishment, or instrumentality of the  
10 Government, information, suggestions, estimates,  
11 and statistics for the purposes of this subtitle. Each  
12 department, bureau, agency, board, commission, of-  
13 fice, independent establishment, or instrumentality  
14 shall, to the extent authorized by law, furnish such  
15 information, suggestions, estimates, and statistics di-  
16 rectly to the Commission, upon request made by the  
17 co-chairmen, the chairman of any subcommittee cre-  
18 ated by a majority of the Commission, or any mem-  
19 ber designated by a majority of the Commission.

20 (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
21 SEMINATION.—Information shall only be received,  
22 handled, stored, and disseminated by members of  
23 the Commission and its staff consistent with all ap-  
24 plicable statutes, regulations, and Executive orders.

25 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

1           (1) GENERAL SERVICES ADMINISTRATION.—  
2           The Administrator of General Services shall provide  
3           to the Commission on a reimbursable basis adminis-  
4           trative support and other services for the perform-  
5           ance of the Commission's functions.

6           (2) OTHER DEPARTMENTS AND AGENCIES.—In  
7           addition to the assistance prescribed in paragraph  
8           (1), departments and agencies of the United States  
9           may provide to the Commission such services, funds,  
10          facilities, staff, and other support services as they  
11          may determine advisable and as may be authorized  
12          by law.

13          (e) GIFTS.—The Commission may accept, use, and  
14          dispose of gifts or donations of services or property.

15          (f) POSTAL SERVICES.—The Commission may use  
16          the United States mails in the same manner and under  
17          the same conditions as departments and agencies of the  
18          United States.

19       **SEC. 1256. NONAPPLICABILITY OF FEDERAL ADVISORY**  
20                               **COMMITTEE ACT.**

21          (a) IN GENERAL.—The Federal Advisory Committee  
22          Act (5 U.S.C. App.) shall not apply to the Commission.

23          (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC  
24          VERSIONS OF REPORTS.—The Commission shall—

1           (1) hold public hearings and meetings to the ex-  
2           tent appropriate; and

3           (2) release public versions of the report re-  
4           quired under section 1257.

5           (c) PUBLIC HEARINGS.—Any public hearings of the  
6 Commission shall be conducted in a manner consistent  
7 with the protection of information provided to or developed  
8 for or by the Commission as required by any applicable  
9 statute, regulation, or Executive order.

10 **SEC. 1257. REPORT.**

11           Not later than 180 days after the appointment of the  
12 Commission, the Commission shall submit to the Presi-  
13 dent and Congress a final report containing such findings,  
14 conclusions, and recommendations for corrective measures  
15 as have been agreed to by a majority of Commission mem-  
16 bers.

17 **SEC. 1258. TERMINATION.**

18           (a) IN GENERAL.—The Commission, and all the au-  
19 thorities of this subtitle, shall terminate 60 days after the  
20 date on which the final report is submitted under section  
21 1257.

22           (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-  
23 NATION.—The Commission may use the 60-day period re-  
24 ferred to in subsection (a) for the purpose of concluding  
25 its activities, including providing testimony to committees

1 of Congress concerning its report and disseminating the  
2 final report.

3 **TITLE XIII—NUCLEAR BLACK**  
4 **MARKET COUNTER-TERRORISM ACT**

6 **SEC. 1301. SHORT TITLE.**

7 This title may be cited as the “Nuclear Black Market  
8 Counter-Terrorism Act of 2007”.

9 **SEC. 1302. DEFINITIONS.**

10 In this title:

11 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
12 **TEES.**—The term “appropriate congressional com-  
13 mittees” means the Committee on Foreign Affairs,  
14 the Committee on Armed Services, the Permanent  
15 Select Committee on Intelligence, and the Com-  
16 mittee on Appropriations of the House of Represent-  
17 atives, and the Committee on Foreign Relations, the  
18 Committee on Armed Services, the Select Committee  
19 on Intelligence, and the Committee on Appropria-  
20 tions of the Senate.

21 (2) **FOREIGN PERSON.**—The term “foreign per-  
22 son”—

23 (A) means any person who is not a citizen  
24 or national of the United States or lawfully ad-  
25 mitted to the United States for permanent resi-

1           dence under the Immigration and Nationality  
2           Act;

3           (B) includes any foreign corporation, inter-  
4           national organization, or foreign government;  
5           and

6           (C) includes, for purposes of subsections  
7           (a) and (b) of section 1311, successors, assigns,  
8           subsidiaries, and subunits of the person de-  
9           scribed in subparagraph (A) or (B) (as the case  
10          may be), and other business organizations or  
11          associations in which that person may be  
12          deemed to have a controlling interest.

13          (3) PERSON.—The term “person”—

14           (A) means a natural person as well as a  
15           corporation, business association, partnership,  
16           society, trust, any other nongovernmental enti-  
17           ty, organization, or group, and any govern-  
18           mental entity, or subsidiary, subunit, or parent  
19           entity thereof, and any successor of any such  
20           entity; and

21           (B) in the case of a country where it may  
22           be impossible to identify a specific governmental  
23           entity referred to in subparagraph (A), means  
24           all activities of that government relating to the



1 development or production of any nuclear  
2 equipment or technology.

3 (4) UNITED STATES FOREIGN ASSISTANCE.—

4 The term “United States foreign assistance” means  
5 assistance under the foreign operations, export fi-  
6 nancing, and related programs appropriations Act  
7 for a fiscal year, and assistance under the Foreign  
8 Assistance Act of 1961.

9 **Subtitle A—Sanctions for Transfers**  
10 **of Nuclear Enrichment, Reproc-**  
11 **essing, and Weapons Tech-**  
12 **nology, Equipment, and Mate-**  
13 **rials Involving Foreign Persons**  
14 **and Terrorists**

15 **SEC. 1311. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN**  
16 **PERSONS.**

17 (a) DETERMINATION OF NUCLEAR ACTIVITIES BY  
18 FOREIGN PERSONS.—

19 (1) DETERMINATION.—Notwithstanding any  
20 other provision of law, the President shall impose  
21 the sanctions described in subsection (b) whenever  
22 the President determines that a foreign person, on  
23 or after the date of the enactment of this Act, par-  
24 ticipated in the export, transfer or trade of—

1 (A) nuclear enrichment or reprocessing  
2 equipment, materials, or technology to any non-  
3 nuclear-weapon state (as defined in section  
4 102(c) of the Arms Export Control Act) that—

5 (i) does not possess functioning nu-  
6 clear enrichment or reprocessing plants as  
7 of January 1, 2004; and

8 (ii)(I) does not have in force an addi-  
9 tional protocol with the International  
10 Atomic Energy Agency for the application  
11 of safeguards (as derived from IAEA docu-  
12 ment INFCIRC/540 and related correc-  
13 tions and additions); or

14 (II) is developing, manufacturing, or  
15 acquiring a nuclear explosive device; or

16 (B) any nuclear explosive device, or design  
17 information or component, equipment, mate-  
18 rials, or other items or technology that—

19 (i) is designated for national export  
20 controls under the Nuclear Supplier Group  
21 Guidelines for the Export of Nuclear Mate-  
22 rial, Equipment and Technology (published  
23 by the International Atomic Energy Agen-  
24 cy as IAEA document INFCIRC/254/Rev.  
25 6/Part 1 and subsequent revisions) and the

1 Guidelines for Transfers of Nuclear-Re-  
2 lated Dual-Use Equipment, Materials,  
3 Software and Related Technology (pub-  
4 lished as IAEA document INFCIRC/254/  
5 Rev. 5/ Part 2 and subsequent revisions);  
6 and

7 (ii) contributes to the development,  
8 manufacture, or acquisition of a nuclear  
9 explosive device by—

10 (I) a non-nuclear weapon state;

11 or

12 (II) a foreign person.

13 (2) DEFINITION.—For purposes of paragraph  
14 (1), the term “participated” means sold, transferred,  
15 brokered, financed, assisted, delivered, or otherwise  
16 provided or received, and includes any conspiracy or  
17 attempt to engage in any of such activities, as well  
18 as facilitating such activities by any other person.

19 (b) SANCTIONS.—The sanctions referred to in sub-  
20 section (a) that are to be imposed on a foreign person are  
21 the following:

22 (1) No assistance may be provided to the for-  
23 eign person under the Foreign Assistance Act of  
24 1961, and the foreign person may not participate in  
25 any assistance program of the United States Gov-

1       ernment. Any such assistance being provided to the  
2       foreign person, and any participation in such assist-  
3       ance program by the foreign person, on the date on  
4       which the sanction under this paragraph is imposed  
5       shall be terminated as of such date.

6               (2) The United States Government may not ex-  
7       port to the foreign person, or grant a license or  
8       other approval to export to or import from the for-  
9       eign person of, any defense articles, defense services,  
10      or design or construction services under the Foreign  
11      Assistance Act of 1961 or the Arms Export Control  
12      Act. Any contract to export such articles or services,  
13      or license or approval to export or import, under ei-  
14      ther such Act, that is in effect on the date on which  
15      the sanction under this paragraph is imposed shall  
16      be terminated as of such date.

17              (3) Licenses or any other approval may not be  
18      issued for the export to the foreign person of any  
19      goods or technology subject to the jurisdiction of the  
20      Export Administration Regulations under chapter  
21      VII of title 15, Code of Federal Regulations (or suc-  
22      cessor regulations), other than food and other agri-  
23      cultural commodities, medicines and medical equip-  
24      ment. Any such license or approval that is in effect  
25      on the on the date on which the sanction under this

1 paragraph is imposed, shall be terminated as of such  
2 date.

3 (4) No department or agency of the United  
4 States Government may procure, or enter into any  
5 contract for the procurement of, any goods or serv-  
6 ices from the foreign person. The Secretary of the  
7 Treasury shall prohibit the importation into the  
8 United States of goods, technology, or services pro-  
9 duced or provided by the foreign person, other than  
10 information or informational materials within the  
11 meaning of section 203(b)(3) of the International  
12 Emergency Economic Powers Act (50 U.S.C.  
13 1702(b)(3)).

14 (c) PERIOD SANCTIONS IN EFFECT.—The sanctions  
15 referred to in subsection (b) should be imposed for not  
16 less than two years, but may be imposed for longer peri-  
17 ods. The President may suspend after one year any sanc-  
18 tion imposed pursuant to this section 15 days after sub-  
19 mitting to the appropriate congressional committees a re-  
20 port explaining—

21 (1) the reasons for suspending the sanction;

22 (2) how the purposes of this title and United  
23 States national security are furthered by such sus-  
24 pension; and

1           (3) what measures the United States will take  
2           or is taking to ensure that the foreign person will  
3           not engage in similar activities in the future.

4           (d) **WAIVER AUTHORITY.**—The President may waive  
5 the imposition of any sanction under subsection (b) if the  
6 President certifies to the appropriate congressional com-  
7 mittees that the waiver—

8           (1) is important to the national security inter-  
9           ests of the United States; and

10           (2) would further the purposes of this title.

11 **SEC. 1312. PRESIDENTIAL NOTIFICATION ON ACTIVITIES**  
12 **OF FOREIGN PERSONS.**

13           (a) **REPORTS TO CONGRESS.**—Not later than 180  
14 days after the date of enactment of this Act, and not later  
15 than January 31 of each year thereafter, the President  
16 shall submit to the appropriate congressional committees  
17 a report detailing any activity by any foreign person de-  
18 scribed in section 1311. This report shall also include a  
19 description of any sanctions that have been imposed and  
20 their duration.

21           (b) **PUBLICATION.**—When the President imposes  
22 sanctions under section 1311, the President shall, to the  
23 maximum extent possible in unclassified form, publish in  
24 the Federal Register, not later than 15 days after report-  
25 ing such sanctions to the appropriate congressional com-

1 mittees under subsection (a), the identity of each sanc-  
2 tioned foreign person, the period for which sanctions will  
3 be in effect, and the reasons for the sanctions.

4 **Subtitle B—Further Actions**  
5 **Against Corporations Associated**  
6 **With Sanctioned Foreign Per-**  
7 **sons**

8 **SEC. 1321. FINDINGS.**

9 The Congress finds the following:

10 (1) Foreign persons and corporations engaging  
11 in nuclear black-market activities are motivated by  
12 reasons of commercial gain and profit.

13 (2) Sanctions targeted solely against the busi-  
14 ness interests of the sanctioned person or business  
15 concern may be unsuccessful in halting these pro-  
16 liferation activities, as the sanctions may be seen  
17 merely as the cost of doing business, especially if the  
18 business interests of the parent or subsidiary cor-  
19 porate entities are unaffected by the sanctions.

20 (3) Such narrow targeting of sanctions creates  
21 the incentive to create shell and “carve-out” cor-  
22 porate entities to perform the proliferation activities  
23 and attract sanctions, leaving all other aspects of the  
24 larger corporation unaffected.

1           (4) To dissuade corporations from allowing  
2           their associated commercial entities or persons from  
3           engaging in proliferation black-market activities,  
4           they must also be made to suffer financial loss and  
5           commercial disadvantage, and parent and subsidiary  
6           commercial enterprises must be held responsible for  
7           the proliferation activities of their associated enti-  
8           ties.

9           (5) If a corporation perceives that the United  
10          States Government will do everything possible to  
11          make its commercial activity difficult around the  
12          world, then that corporation has a powerful commer-  
13          cial incentive to prevent any further proliferation ac-  
14          tivity by its associated entities.

15          (6) Therefore, the United States Government  
16          should seek to increase the risk of commercial loss  
17          for associated corporate entities for the proliferation  
18          actions of their subsidiaries.

19 **SEC. 1322. CAMPAIGN BY UNITED STATES GOVERNMENT**  
20 **OFFICIALS.**

21          The President shall instruct all agencies of the  
22          United States Government to make every effort in their  
23          interactions with foreign government and business officials  
24          to persuade foreign governments and relevant corporations  
25          not to engage in any business transaction with a foreign



1 person sanctioned under section 1311, including any enti-  
2 ty that is a parent or subsidiary of the sanctioned foreign  
3 person, for the duration of the sanctions.

4 **SEC. 1323. COORDINATION.**

5 The Secretary of State shall coordinate the actions  
6 of the United States Government under section 1322.

7 **SEC. 1324. REPORT.**

8 Not later than one year after the date of the enact-  
9 ment of this Act and annually thereafter, the Secretary  
10 of State shall report to the appropriate congressional com-  
11 mittees on the actions taken by the United States to carry  
12 out section 1322.

13 **Subtitle C—Rollback of Nuclear**  
14 **Proliferation Networks**

15 **SEC. 1331. NONPROLIFERATION AS A CONDITION OF**  
16 **UNITED STATES ASSISTANCE.**

17 United States foreign assistance should only be pro-  
18 vided to countries that—

19 (1) are not cooperating with any non-nuclear-  
20 weapon state or any foreign group or individual who  
21 may be engaged in, planning, or assisting any inter-  
22 national terrorist group in the development of a nu-  
23 clear explosive device or its means of delivery and  
24 are taking all necessary measures to prevent their  
25 nationals and other persons and entities subject to

1       their jurisdiction from participating in such coopera-  
2       tion; and

3               (2) are fully and completely cooperating with  
4       the United States in its efforts to eliminate nuclear  
5       black-market networks or activities.

6       **SEC. 1332. REPORT ON IDENTIFICATION OF NUCLEAR PRO-**  
7               **LIFERATION NETWORK HOST COUNTRIES.**

8       (a) REPORT.—

9               (1) IN GENERAL.—Not later than 90 days after  
10       the date of the enactment of this Act and annually  
11       thereafter, the President shall submit a report to the  
12       appropriate congressional committees that—

13               (A) identifies any country in which manu-  
14       facturing, brokering, shipment, transshipment,  
15       or other activity occurred in connection with the  
16       transactions of the nuclear proliferation net-  
17       work that supplied Libya, Iran, North Korea,  
18       and possibly other countries or entities; and

19               (B) identifies any country in which manu-  
20       facturing, brokering, shipment, transshipment,  
21       or other activity occurred for the purpose of  
22       supplying nuclear technology, equipment, or  
23       material to another country or foreign person  
24       that could, in the President's judgment, con-  
25       tribute to the development, manufacture, or ac-

1           quisition, of a nuclear explosive device by a  
2           country or foreign person of concern to the  
3           United States

4           (2) ADDITIONAL INFORMATION.—The report  
5           under paragraph (1) shall also include a description  
6           of the extent to which each country described in the  
7           report is, in the opinion of the President, fully co-  
8           operating with the United States in its efforts to  
9           eliminate the nuclear proliferation network described  
10          in paragraph (1)(A) or stopping the activities de-  
11          scribed in paragraph (1)(B). The President shall  
12          base the determination regarding a country's co-  
13          operation with the United States in part on the de-  
14          gree to which the country has satisfied United  
15          States requests for assistance and information, in-  
16          cluding whether the United States has asked and  
17          been granted direct investigatory access to key per-  
18          sons involved in the nuclear proliferation network  
19          described in paragraph (1)(A) or the activities de-  
20          scribed in paragraph (1)(B).

21          (b) CLASSIFICATION.—Reports under this section  
22          shall be unclassified to the maximum extent possible.

1 **SEC. 1333. SUSPENSION OF ARMS SALES LICENSES AND DE-**  
2 **LIVERIES TO NUCLEAR PROLIFERATION**  
3 **HOST COUNTRIES.**

4 (a) SUSPENSION.—Upon submission of the report  
5 and any additional information under section 1332 to the  
6 appropriate congressional committees, the President shall  
7 suspend all licenses issued under the Arms Export Control  
8 Act, and shall prohibit any licenses to be issued under that  
9 Act, for exports to, or imports from, any country described  
10 in the report, unless the President certifies to the appro-  
11 priate congressional committees that such country—

12 (1)(A) has fully investigated or is fully inves-  
13 tigating the activities of any person or entity within  
14 its territory that has participated in the nuclear pro-  
15 liferation network described in section 1332(a)(1)(A)  
16 or the activities described in section 1332(a)(1)(B);  
17 and

18 (B) has taken or is taking effective steps to  
19 permanently halt similar illicit nuclear proliferation  
20 activities;

21 (2) has been or is fully cooperating with the  
22 United States and other appropriate international  
23 organizations in investigating and eliminating the  
24 nuclear proliferation network, any successor net-  
25 works operating within its territory, or other illicit  
26 nuclear proliferation activities; and

1           (3) has enacted or is enacting new laws, pro-  
2           mulgated decrees or regulations, or established prac-  
3           tices designed to prevent future such activities from  
4           occurring within its territory.

5           (b) **WAIVER.**—The President may waive the require-  
6           ments of subsection (a) in a fiscal year if—

7           (1) the President has certified to the appro-  
8           priate congressional committees that the waiver is  
9           important to the national security of the United  
10          States; and

11          (2) at least 5 days have elapsed since making  
12          the certification under paragraph (1).

13       **TITLE XIV—9/11 COMMISSION**  
14       **INTERNATIONAL IMPLEMEN-**  
15       **TATION**

16       **SEC. 1401. SHORT TITLE; TABLE OF CONTENTS.**

17       This title may be cited as the “9/11 Commission  
18       International Implementation Act of 2007”.

19       **Subtitle A—Quality Educational**  
20       **Opportunities in Arab and Pre-**  
21       **dominantly Muslim Countries.**

22       **SEC. 1411. FINDINGS; POLICY.**

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

1           (1) The report of the National Commission on  
2 Terrorist Attacks Upon the United States stated  
3 that “[e]ducation that teaches tolerance, the dignity  
4 and value of each individual, and respect for dif-  
5 ferent beliefs is a key element in any global strategy  
6 to eliminate Islamic terrorism”.

7           (2) The report of the National Commission on  
8 Terrorist Attacks Upon the United States concluded  
9 that ensuring educational opportunity is essential to  
10 the efforts of the United States to defeat global ter-  
11 rorism and recommended that the United States  
12 Government “should offer to join with other nations  
13 in generously supporting [spending funds] ... directly  
14 on building and operating primary and secondary  
15 schools in those Muslim states that commit to sen-  
16 sibly investing financial resources in public edu-  
17 cation”.

18           (3) While Congress endorsed such a program in  
19 the Intelligence Reform and Terrorism Prevention  
20 Act of 2004 (Public Law 108–458), such a program  
21 has not been established.

22 (b) POLICY.—It is the policy of the United States—

23           (1) to work toward the goal of dramatically in-  
24 creasing the availability of modern basic education  
25 through public schools in Arab and predominantly

1 Muslim countries, which will reduce the influence of  
2 radical madrassas and other institutions that pro-  
3 mote religious extremism;

4 (2) to join with other countries in generously  
5 supporting the International Arab and Muslim  
6 Youth Opportunity Fund authorized under section  
7 7114 of the Intelligence Reform and Terrorism Pre-  
8 vention Act of 2004, as amended by section 1412 of  
9 this Act, with the goal of building and operating  
10 public primary and secondary schools in Arab and  
11 predominantly Muslim countries that commit to sen-  
12 sibly investing the resources of such countries in  
13 modern public education;

14 (3) to offer additional incentives to increase the  
15 availability of modern basic education in Arab and  
16 predominantly Muslim countries; and

17 (4) to work to prevent financing of educational  
18 institutions that support radical Islamic fundamen-  
19 talism.

20 **SEC. 1412. INTERNATIONAL ARAB AND MUSLIM YOUTH OP-**  
21 **PORTUNITY FUND.**

22 Section 7114 of the Intelligence Reform and Ter-  
23 rorism Prevention Act of 2004 (22 U.S.C. 2228) is  
24 amended to read as follows:

1 **“SEC. 7114. INTERNATIONAL ARAB AND MUSLIM YOUTH OP-**  
2 **PORTUNITY FUND.**

3 “(a) FINDINGS.—Congress finds the following:

4 “(1) The United Nation’s 2003 Arab Human  
5 Development Report states that the quantitative ex-  
6 pansion of Arab education remains incomplete. The  
7 report asserts that high rates of illiteracy, especially  
8 among women, persist. Children continue to be de-  
9 nied their basic right to elementary education. High-  
10 er education is characterized by decreasing enroll-  
11 ment rates compared to developed countries, and  
12 public expenditures on education has declined since  
13 1985.

14 “(2) The UN report cites the decline in quality  
15 as the most significant challenge in the educational  
16 arena in Arab countries.

17 “(3) Researchers argue that curricula taught in  
18 Arab countries seem to encourage submission, obedi-  
19 ence, subordination, and compliance, rather than  
20 free critical thinking.

21 “(4) Despite major efforts to improve pre-  
22 school education in some Arab countries, the quality  
23 of education provided in kindergartens in the region  
24 does not fulfill the requirements for advancing and  
25 developing children’s capabilities in order to help so-  
26 cialize a creative and innovative generation.



1           “(5) Many factors in Arab countries adversely  
2 affect teachers’ capabilities, such as low salaries  
3 (which force educators in to take on other jobs that  
4 consume their energy and decrease the time they can  
5 devote to caring for their students), lack of facilities,  
6 poorly designed curricula, indifferent quality of  
7 teacher training, and overcrowded classes.

8           “(6) Educational attainments in Arab and non-  
9 Arab Muslim countries – from literacy rates to  
10 mathematical and science achievements – are well  
11 below global standards.

12           “(7) It is estimated that there are 65,000,000  
13 illiterate adult Arabs, and two-thirds of them are  
14 women.

15           “(8) Educational enrollment for Arab countries  
16 rose from 31,000,000 children in 1980 to approxi-  
17 mately 56,000,000 children in 1995. Yet despite this  
18 increase, 10,000,000 children between the ages of 6  
19 and 15 are currently not in school.

20           “(9) In the Middle East, roughly 10,000,000  
21 children still do not go to school.

22           “(10) Even though women’s access to education  
23 has tripled in Arab countries since 1970, gender dis-  
24 parities still persist. Illiteracy in Arab countries af-  
25 fects women disproportionately. Women make up

1 two-thirds of illiterate adults, with most living in  
2 rural areas.

3 “(11) The publication of books and other read-  
4 ing materials in Arab countries faces many major  
5 challenges, including the small number of readers  
6 due to high rates of illiteracy in some such countries  
7 and the weak purchasing power of the Arab reader.  
8 The limited readership in Arab countries is reflected  
9 in the small number of books published in such  
10 countries, which does not exceed 1.1 percent of  
11 world production, although Arabs constitute five per-  
12 cent of the world population.

13 “(12) The nexus between health and education  
14 in Arab countries is very strong. Gains in women’s  
15 education accounted for an estimated 43 percent re-  
16 duction in child malnutrition between 1970 and  
17 1995. Educated mothers are more likely to better  
18 space births, to have adequate prenatal care, and to  
19 immunize their children.

20 “(13) Many educational systems in Arab and  
21 non-Arab Muslim countries widen the gap between  
22 rich and poor: while rich students attend excellent  
23 private schools, poor children receive grossly inad-  
24 equate schooling.

1       “(b) PURPOSE.—The purpose of this section is to  
2 strengthen the public educational systems in Arab and  
3 predominantly Muslim countries by—

4               “(1) authorizing the establishment of an Inter-  
5 national Arab and Muslim Youth Educational Fund  
6 through which the United States dedicates re-  
7 sources, either through a separate fund or through  
8 an international organization, to assist those coun-  
9 tries that commit to education reform; and

10               “(2) providing resources for the Fund to help  
11 strengthen the public educational systems in those  
12 countries.

13       “(c) ESTABLISHMENT OF FUND.—

14               “(1) AUTHORITY.—The President is authorized  
15 to establish an International Arab and Muslim  
16 Youth Opportunity Fund.

17               “(2) LOCATION.—The Fund may be estab-  
18 lished—

19                       “(A) as a separate fund in the Treasury;

20                       or

21                       “(B) through an international organization  
22 or international financial institution, such as  
23 the United Nations Educational, Science and  
24 Cultural Organization, the United Nations De-

1           velopment Program, or the International Bank  
2           for Reconstruction and Development.

3           “(3) TRANSFERS AND RECEIPTS.—The head of  
4           any department, agency, or instrumentality of the  
5           United States Government may transfer any amount  
6           to the Fund, and the Fund may receive funds from  
7           private enterprises, foreign countries, or other enti-  
8           ties.

9           “(4) ACTIVITIES OF THE FUND.—The Fund  
10          shall support programs described in this paragraph  
11          to improve the education environment in Arab and  
12          predominantly Muslim countries.

13                   “(A) ASSISTANCE TO ENHANCE MODERN  
14                   EDUCATIONAL PROGRAMS.—

15                           “(i) The establishment in Arab and  
16                           predominantly Muslim countries of a pro-  
17                           gram of reform to create a modern edu-  
18                           cation curriculum in the public educational  
19                           systems in such countries.

20                                   “(ii) The establishment or moderniza-  
21                                   tion of educational materials to advance a  
22                                   modern educational curriculum in such  
23                                   systems.

24   “(iii) Teaching English to adults and  
25   children.

1           “(iv) The establishment in Arab and  
2           predominantly Muslim countries of pro-  
3           grams that enhance accountability, trans-  
4           parency, and interaction on education pol-  
5           icy in such countries between the national  
6           government and the regional and local gov-  
7           ernments through improved information  
8           sharing and monitoring.

9           “(v) The establishment in Arab and  
10          predominantly Muslim countries of pro-  
11          grams to assist in the formulation of ad-  
12          ministration and planning strategies for all  
13          levels of government in such countries, in-  
14          cluding national, regional, and local gov-  
15          ernments.

16          “(vi) The enhancement in Arab and  
17          predominantly Muslim countries of com-  
18          munity, family, and student participation  
19          in the formulation and implementation of  
20          education strategies and programs in such  
21          countries.

22          “(B) ASSISTANCE FOR TRAINING AND EX-  
23          CHANGE PROGRAMS FOR TEACHERS, ADMINIS-  
24          TRATORS, AND STUDENTS.—

1           “(i) The establishment of training  
2           programs for teachers and educational ad-  
3           ministrators to enhance skills, including  
4           the establishment of regional centers to  
5           train individuals who can transfer such  
6           skills upon return to their countries.

7           “(ii) The establishment of exchange  
8           programs for teachers and administrators  
9           in Arab and predominantly Muslim coun-  
10          tries and with other countries to stimulate  
11          additional ideas and reform throughout the  
12          world, including teacher training exchange  
13          programs focused on primary school teach-  
14          ers in such countries.

15          “(iii) The establishment of exchange  
16          programs for primary and secondary stu-  
17          dents in Muslim and Arab countries and  
18          with other countries to foster under-  
19          standing and tolerance and to stimulate  
20          long-standing relationships.

21          “(C) ASSISTANCE TARGETING PRIMARY  
22          AND SECONDARY STUDENTS.—

23          “(i) The establishment in Arab and  
24          predominantly Muslim countries of after-  
25          school programs, civic education programs,

1 and education programs focusing on life  
2 skills, such as inter-personal skills and so-  
3 cial relations and skills for healthy living,  
4 such as nutrition and physical fitness.

5 “(ii) The establishment in Arab and  
6 predominantly Muslim countries of pro-  
7 grams to improve the proficiency of pri-  
8 mary and secondary students in informa-  
9 tion technology skills.

10 “(D) ASSISTANCE FOR DEVELOPMENT OF  
11 YOUTH PROFESSIONALS.—

12 “(i) The establishment of programs in  
13 Arab and predominantly Muslim countries  
14 to improve vocational training in trades to  
15 help strengthen participation of Muslims  
16 and Arabs in the economic development of  
17 their countries.

18 “(ii) The establishment of programs  
19 in Arab and predominantly Muslim coun-  
20 tries that target older Muslim and Arab  
21 youths not in school in such areas as en-  
22 trepreneurial skills, accounting, micro-fi-  
23 nance activities, work training, financial  
24 literacy, and information technology.

25 “(E) OTHER TYPES OF ASSISTANCE.—

1           “(i) The translation of foreign books,  
2           newspapers, reference guides, and other  
3           reading materials into local languages.

4           “(ii) The construction and equipping  
5           of modern community and university li-  
6           braries.

7           “(5) AUTHORIZATION OF APPROPRIATIONS.—

8           “(A) IN GENERAL.—There is authorized to  
9           be appropriated to the President to carry out  
10          this section such sums as may be necessary for  
11          fiscal years 2008, 2009, and 2010.

12          “(B) AVAILABILITY.—Amounts appro-  
13          priated pursuant to the authorization of appro-  
14          priations under subsection (a) are authorized to  
15          remain available until expended.

16          “(C) ADDITIONAL FUNDS.—Amounts au-  
17          thorized to be appropriated under subsection  
18          (a) shall be in addition to amounts otherwise  
19          available for such purposes.

20          “(6) REPORT TO CONGRESS.—Not later than  
21          180 days after the date of the enactment of this sec-  
22          tion and annually thereafter, the President shall  
23          submit to the appropriate congressional committees  
24          a report on United States efforts to assist in the im-  
25          provement of educational opportunities for Arab and



1 predominantly Muslim children and youths, includ-  
2 ing the progress made toward establishing the Inter-  
3 national Arab and Muslim Youth Opportunity Fund.

4 “(7) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES DEFINED.—In this subsection, the term ‘ap-  
6 propriate congressional committees’ means the Com-  
7 mittee on Foreign Affairs and the Committee on Ap-  
8 propriations of the House of Representatives and the  
9 Committee on Foreign Relations and the Committee  
10 on Appropriations of the Senate.”.

11 **SEC. 1413. ANNUAL REPORT TO CONGRESS.**

12 (a) IN GENERAL.—Not later than June 1 of each  
13 year, the Secretary of State shall submit to the appro-  
14 priate congressional committees a report on the efforts of  
15 Arab and predominantly Muslim countries to increase the  
16 availability of modern basic education and to close edu-  
17 cational institutions that promote religious extremism and  
18 terrorism.

19 (b) CONTENTS.—Each report shall include—

20 (1) a list of Arab and predominantly Muslim  
21 countries that are making serious and sustained ef-  
22 forts to improve the availability of modern basic edu-  
23 cation and to close educational institutions that pro-  
24 mote religious extremism and terrorism;

1           (2) a list of such countries that are making ef-  
2           forts to improve the availability of modern basic edu-  
3           cation and to close educational institutions that pro-  
4           mote religious extremism and terrorism, but such ef-  
5           forts are not serious and sustained;

6           (3) a list of such countries that are not making  
7           efforts to improve the availability of modern basic  
8           education and to close educational institutions that  
9           promote religious extremism and terrorism; and

10          (4) an assessment for each country specified in  
11          each of paragraphs (1), (2), and (3) of the role of  
12          United States assistance with respect to the efforts  
13          made or not made to improve the availability of  
14          modern basic education and close educational insti-  
15          tutions that promote religious extremism and ter-  
16          rorism.

17          (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
18          FINED.—In this section, the term “appropriate congres-  
19          sional committees” means the Committee on Foreign Af-  
20          fairs and the Committee on Appropriations of the House  
21          of Representatives and the Committee on Foreign Rela-  
22          tions and the Committee on Appropriations of the Senate.

1 **SEC. 1414. EXTENSION OF PROGRAM TO PROVIDE GRANTS**  
2 **TO AMERICAN-SPONSORED SCHOOLS IN**  
3 **ARAB AND PREDOMINANTLY MUSLIM COUN-**  
4 **TRIES TO PROVIDE SCHOLARSHIPS.**

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

6 (1) Section 7113 of the Intelligence Reform and  
7 Terrorism Prevention Act of 2004 (Pub. Law 108–  
8 458) authorized the establishment of a pilot pro-  
9 gram to provide grants to American-sponsored  
10 schools in Arab and predominantly Muslim countries  
11 so that such schools could provide scholarships to  
12 young people from lower-income and middle-income  
13 families in such countries to attend such schools,  
14 where they could improve their English and be ex-  
15 posed to a modern education.

16 (2) Since the date of the enactment of that sec-  
17 tion, the Middle East Partnership Initiative has pur-  
18 sued implementation of that program.

19 (b) EXTENSION OF PROGRAM.—

20 (1) IN GENERAL.—Section 7113 of the Intel-  
21 ligence Reform and Terrorism Prevention Act of  
22 2004 is amended—

23 (A) in the section heading—

24 (i) by striking “**PILOT**”; and

25 (ii) by inserting “**ARAB AND**” before

26 “**PREDOMINANTLY MUSLIM**”;

1 (B) in subsection (a)(2), by inserting  
2 “Arab and” before “predominantly Muslim”;

3 (C) in subsection (b), in the matter pre-  
4 ceding paragraph (1), by inserting “Arab and”  
5 before “predominantly Muslim”;

6 (D) in subsection (c)—

7 (i) in the subsection heading, by strik-  
8 ing “PILOT”;

9 (ii) by striking “pilot”; and

10 (iii) by striking “countries with pre-  
11 dominantly Muslim populations” and in-  
12 serting “Arab and predominantly Muslim  
13 countries”;

14 (E) in subsection (d), by striking “pilot”  
15 each place it appears;

16 (F) in subsection (f)—

17 (i) by striking “pilot”; and

18 (ii) by inserting “an Arab or” before  
19 “a predominantly Muslim country”;

20 (G) in subsection (g), in the first sen-  
21 tence—

22 (i) by inserting “and April 15, 2008,”  
23 after “April 15, 2006,”; and

24 (ii) by striking “pilot”; and

25 (H) in subsection (h)—

1 (i) by striking “2005 and 2006” in-  
2 sserting “2007 and 2008” ; and

3 (ii) by striking “pilot”.

4 (2) CONFORMING AMENDMENT.—Section 1(b)  
5 of such Act is amended, in the table of contents, by  
6 striking the item relating to section 7113 and insert-  
7 ing 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.”.

8 **Subtitle B—Democracy and Devel-**  
9 **opment in Arab and Predomi-**  
10 **nantly Muslim Countries**

11 **SEC. 1421. PROMOTING DEMOCRACY AND DEVELOPMENT**  
12 **IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH**  
13 **ASIA, AND SOUTHEAST ASIA.**

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

15 (1) Al-Qaeda and affiliated groups have estab-  
16 lished a terrorist network with linkages throughout  
17 the Middle East, Central Asia, South Asia, and  
18 Southeast Asia.

19 (2) While political repression and lack of eco-  
20 nomic development do not justify terrorism, in-  
21 creased political freedoms, poverty reduction, and  
22 broad-based economic growth can contribute to an  
23 environment that undercuts tendencies and condi-

1 tions that facilitate the rise of terrorist organiza-  
2 tions.

3 (3) It is in the national security interests of the  
4 United States to promote democracy, the rule of law,  
5 good governance, sustainable development, a vig-  
6 orous civil society, political freedom, protection of  
7 minorities, independent media, women's rights, pri-  
8 vate sector growth, and open economic systems in  
9 the countries of the Middle East, Central Asia,  
10 South Asia, and Southeast Asia.

11 (b) POLICY.—It is the policy of the United States  
12 to—

13 (1) promote over the long-term, seizing oppor-  
14 tunities whenever possible in the short term, democ-  
15 racy, the rule of law, good governance, sustainable  
16 development, a vigorous civil society, political free-  
17 dom, protection of minorities, independent media,  
18 women's rights, private sector growth, and open eco-  
19 nomic systems in the countries of the Middle East,  
20 Central Asia, South Asia, and Southeast Asia;

21 (2) provide assistance and resources to individ-  
22 uals and organizations in the countries of the Middle  
23 East, Central Asia, South Asia, and Southeast Asia  
24 that are committed to promoting such objectives and

1 to design strategies in conjunction with such individ-  
2 uals and organizations; and

3 (3) work with other countries and international  
4 organizations to increase the resources devoted to  
5 promoting such objectives.

6 (c) STRATEGY.—Not later than 180 days after the  
7 date of the enactment of this Act, the Secretary of State  
8 shall submit to appropriate congressional committees a re-  
9 port with a country-by-country five year strategy to pro-  
10 mote the policy of the United States described in sub-  
11 section (b). Such report shall contain an estimate of the  
12 funds necessary to implement such a strategy.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
14 DEFINED.—In this section, the term “appropriate con-  
15 gressional committees” means the Committee on Foreign  
16 Affairs and the Committee on Appropriations of the  
17 House of Representatives and the Committee on Foreign  
18 Relations and the Committee on Appropriations of the  
19 Senate.

20 **SEC. 1422. MIDDLE EAST FOUNDATION.**

21 (a) PURPOSES.—The purposes of this section are to  
22 support, through the provision of grants, technical assist-  
23 ance, training, and other programs, in the countries of the  
24 Middle East, the expansion of—

25 (1) civil society;

- 1           (2) opportunities for political participation for
- 2           all citizens;
- 3           (3) protections for internationally recognized
- 4           human rights, including the rights of women;
- 5           (4) educational system reforms;
- 6           (5) independent media;
- 7           (6) policies that promote economic opportunities
- 8           for citizens;
- 9           (7) the rule of law; and
- 10          (8) democratic processes of government.

11          (b) MIDDLE EAST FOUNDATION.—

12           (1) DESIGNATION.—The Secretary of State is

13           authorized to designate an appropriate private, non-

14           profit organization that is organized or incorporated

15           under the laws of the United States or of a State

16           as the Middle East Foundation (referred to in this

17           section as the “Foundation”).

18           (2) FUNDING.—

19           (A) AUTHORITY.—The Secretary of State

20           is authorized to provide funding to the Founda-

21           tion through the Middle East Partnership Ini-

22           tiative of the Department of State. The Foun-

23           dation shall use amounts provided under this

24           paragraph to carry out the purposes specified in

25           subsection (a), including through making grants



1           and providing other assistance to entities to  
2           carry out programs for such purposes.

3                   (B) FUNDING FROM OTHER SOURCES.—In  
4           determining the amount of funding to provide  
5           to the Foundation, the Secretary of State shall  
6           take into consideration the amount of funds  
7           that the Foundation has received from sources  
8           other than the United States Government.

9                   (3) NOTIFICATION TO CONGRESSIONAL COMMIT-  
10          TEES.—The Secretary of State shall notify the Com-  
11          mittee on Foreign Affairs and the Committee on Ap-  
12          propriations of the House of Representatives and the  
13          Committee on Foreign Relations and the Committee  
14          on Appropriations of the Senate prior to designating  
15          an appropriate organization as the Foundation.

16                   (c) GRANTS FOR PROJECTS.—

17                   (1) FOUNDATION TO MAKE GRANTS.—The Sec-  
18          retary of State shall enter into an agreement with  
19          the Foundation that requires the Foundation to use  
20          the funds provided under subsection (b)(2) to make  
21          grants to persons or entities (other than govern-  
22          ments or government entities) located in the Middle  
23          East or working with local partners based in the  
24          Middle East to carry out projects that support the  
25          purposes specified in subsection (a).

1           (2) CENTER FOR PUBLIC POLICY.—Under the  
2 agreement described in paragraph (1), the Founda-  
3 tion may make a grant to an institution of higher  
4 education located in the Middle East to create a cen-  
5 ter for public policy for the purpose of permitting  
6 scholars and professionals from the countries of the  
7 Middle East and from other countries, including the  
8 United States, to carry out research, training pro-  
9 grams, and other activities to inform public policy-  
10 making in the Middle East and to promote broad  
11 economic, social, and political reform for the people  
12 of the Middle East.

13           (3) APPLICATIONS FOR GRANTS.—An entity  
14 seeking a grant from the Foundation under this sec-  
15 tion shall submit an application to the head of the  
16 Foundation at such time, in such manner, and con-  
17 taining such information as the head of the Founda-  
18 tion may reasonably require.

19           (d) PRIVATE CHARACTER OF THE FOUNDATION.—  
20 Nothing in this section shall be construed to—

21           (1) make the Foundation an agency or estab-  
22 lishment of the United States Government, or to  
23 make the officers or employees of the Foundation of-  
24 ficers or employees of the United States for purposes  
25 of title 5, United States Code; or

1           (2) to impose any restriction on the Founda-  
2           tion's acceptance of funds from private and public  
3           sources in support of its activities consistent with  
4           the purposes specified in subsection (a).

5           (e) LIMITATION ON PAYMENTS TO FOUNDATION  
6 PERSONNEL.—No part of the funds provided to the Foun-  
7 dation under this section shall inure to the benefit of any  
8 officer or employee of the Foundation, except as salary  
9 or reasonable compensation for services.

10          (f) RETENTION OF INTEREST.—The Foundation may  
11 hold funds provided under this section in interest-bearing  
12 accounts prior to the disbursement of such funds to carry  
13 out the purposes specified in subsection (a), and, only to  
14 the extent and in the amounts provided for in advance  
15 in appropriations Acts, may retain for use for such pur-  
16 poses any interest earned without returning such interest  
17 to the Treasury of the United States.

18          (g) FINANCIAL ACCOUNTABILITY.—

19           (1) INDEPENDENT PRIVATE AUDITS OF THE  
20 FOUNDATION.—The accounts of the Foundation  
21 shall be audited annually in accordance with gen-  
22 erally accepted auditing standards by independent  
23 certified public accountants or independent licensed  
24 public accountants certified or licensed by a regu-  
25 latory authority of a State or other political subdivi-

1 sion of the United States. The report of the inde-  
2 pendent audit shall be included in the annual report  
3 required by subsection (h).

4 (2) GAO AUDITS.—The financial transactions  
5 undertaken pursuant to this section by the Founda-  
6 tion may be audited by the Government Account-  
7 ability Office in accordance with such principles and  
8 procedures and under such rules and regulations as  
9 may be prescribed by the Comptroller General of the  
10 United States.

11 (3) AUDITS OF GRANT RECIPIENTS- .—

12 (A) IN GENERAL.—A recipient of a grant  
13 from the Foundation shall agree to permit an  
14 audit of the books and records of such recipient  
15 related to the use of the grant funds.

16 (B) RECORDKEEPING.—Such recipient  
17 shall maintain appropriate books and records to  
18 facilitate an audit referred to in subparagraph  
19 (A), including—

20 (i) separate accounts with respect to  
21 the grant funds;

22 (ii) records that fully disclose the use  
23 of the grant funds;

1 (iii) records describing the total cost  
2 of any project carried out using grant  
3 funds; and

4 (iv) the amount and nature of any  
5 funds received from other sources that  
6 were combined with the grant funds to  
7 carry out a project.

8 (h) ANNUAL REPORTS.—Not later than January 31,  
9 2008, and annually thereafter, the Foundation shall sub-  
10 mit to the appropriate congressional committees and make  
11 available to the public a report that includes, for the fiscal  
12 year prior to the fiscal year in which the report is sub-  
13 mitted, a comprehensive and detailed description of—

14 (1) the operations and activities of the Founda-  
15 tion that were carried out using funds provided  
16 under this section;

17 (2) grants made by the Foundation to other en-  
18 tities with funds provided under this section;

19 (3) other activities of the Foundation to further  
20 the purposes specified in subsection (a); and

21 (4) the financial condition of the Foundation.

22 (i) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
24 TEES.—The term “appropriate congressional com-  
25 mittees” means the Committee on Foreign Affairs

1 and the Committee on Appropriations of the House  
2 of Representatives and the Committee on Foreign  
3 Relations and the Committee on Appropriations of  
4 the Senate.

5 (2) MIDDLE EAST.—The term “Middle East”  
6 means Algeria, Bahrain, Egypt, Iran, Iraq, Jordan,  
7 Kuwait, Lebanon, Libya, Morocco, Oman, Qatar,  
8 Saudi Arabia, Syria, Tunisia, United Arab Emirates,  
9 West Bank and Gaza, and Yemen.

10 (j) EXPIRATION OF AUTHORITY.—The authority pro-  
11 vided under this section shall expire on September 30,  
12 2017.

13 (k) REPEAL.—Section 534(k) of Public Law 109-  
14 102 is repealed.

## 15 **Subtitle C—Restoring United** 16 **States Moral Leadership**

17 **SEC. 1431. ADVANCING UNITED STATES INTERESTS**  
18 **THROUGH PUBLIC DIPLOMACY.**

19 (a) FINDING.—Congress finds that the report of the  
20 National Commission on Terrorist Attacks Upon the  
21 United States stated that, “Recognizing that Arab and  
22 Muslim audiences rely on satellite television and radio, the  
23 government has begun some promising initiatives in tele-  
24 vision and radio broadcasting to the Arab world, Iran, and  
25 Afghanistan. These efforts are beginning to reach large

1 audiences. The Broadcasting Board of Governors has  
2 asked for much larger resources. It should get them.”.

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

5 (1) The United States needs to improve its  
6 communication of information and ideas to people in  
7 foreign countries, particularly in countries with sig-  
8 nificant Muslim populations.

9 (2) Public diplomacy should reaffirm the para-  
10 mount commitment of the United States to demo-  
11 cratic principles, including preserving the civil lib-  
12 erties of all the people of the United States, includ-  
13 ing Muslim-Americans.

14 (3) A significant expansion of United States  
15 international broadcasting would provide a cost-ef-  
16 fective means of improving communication with  
17 countries with significant Muslim populations by  
18 providing news, information, and analysis, as well as  
19 cultural programming, through both radio and tele-  
20 vision broadcasts.

21 (c) SPECIAL AUTHORITY FOR SURGE CAPACITY.—  
22 The United States International Broadcasting Act of 1994  
23 (22 U.S.C. 6201 et seq.) is amended by adding at the end  
24 the following new section:

1 **“SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.**

2 “(a) EMERGENCY AUTHORITY.—

3 “(1) IN GENERAL.—Whenever the President de-  
4 termines it to be important to the national interests  
5 of the United States and so certifies to the appro-  
6 priate congressional committees, the President, on  
7 such terms and conditions as the President may de-  
8 termine, is authorized to direct any department,  
9 agency, or other governmental entity of the United  
10 States to furnish the Broadcasting Board of Gov-  
11 ernors with the assistance of such department, agen-  
12 cy, or entity based outside the United States as may  
13 be necessary to provide international broadcasting  
14 activities of the United States with a surge capacity  
15 to support United States foreign policy objectives  
16 during a crisis abroad.

17 “(2) SUPERSEDES EXISTING LAW.—The au-  
18 thority of paragraph (1) shall supersede any other  
19 provision of law.

20 “(3) SURGE CAPACITY DEFINED.—In this sub-  
21 section, the term ‘surge capacity’ means the finan-  
22 cial and technical resources necessary to carry out  
23 broadcasting activities in a geographical area during  
24 a crisis abroad.

25 “(b) AUTHORIZATION OF APPROPRIATIONS.—



1           “(1) IN GENERAL.—There are authorized to be  
2           appropriated to the President such sums as may be  
3           necessary for the President to carry out this section,  
4           except that no such amount may be appropriated  
5           which, when added to amounts previously appro-  
6           priated for such purpose but not yet obligated,  
7           would cause such amounts to exceed \$25,000,000.

8           “(2) AVAILABILITY OF FUNDS.—Amounts ap-  
9           propriated pursuant to the authorization of appro-  
10          priations in this subsection are authorized to remain  
11          available until expended.

12          “(3) DESIGNATION OF APPROPRIATIONS.—  
13          Amounts appropriated pursuant to the authorization  
14          of appropriations in this subsection may be referred  
15          to as the ‘United States International Broadcasting  
16          Surge Capacity Fund’.

17          “(c) REPORT.—The annual report submitted to the  
18          President and Congress by the Broadcasting Board of  
19          Governors under section 305(a)(9) shall provide a detailed  
20          description of any activities carried out under this section.

21          “(d) AUTHORIZATION OF APPROPRIATIONS FOR  
22          UNITED STATES INTERNATIONAL BROADCASTING ACTIVI-  
23          TIES.—

24          “(1) IN GENERAL.—In addition to amounts  
25          otherwise available for such purposes, there are au-

1       thorized to be appropriated such sums as may be  
2       necessary to carry out United States Government  
3       broadcasting activities under this Act, including  
4       broadcasting capital improvements, the United  
5       States Information and Educational Exchange Act  
6       of 1948 (22 U.S.C. 1431 et seq.), and the Foreign  
7       Affairs Reform and Restructuring Act of 1998 (as  
8       enacted in division G of the Omnibus Consolidated  
9       and Emergency Supplemental Appropriations Act,  
10      1999; Public Law 105–277), and to carry out other  
11      authorities in law consistent with such purposes.

12               “(2) AVAILABILITY OF FUNDS.—Amounts ap-  
13      propriated pursuant to the authorization of appro-  
14      priations in this section are authorized to remain  
15      available until expended.”.

16 **SEC. 1432. EXPANSION OF UNITED STATES SCHOLARSHIP,**  
17                   **EXCHANGE, AND LIBRARY PROGRAMS IN**  
18                   **ARAB AND PREDOMINANTLY MUSLIM COUN-**  
19                   **TRIES.**

20      (a) REPORT; CERTIFICATION.—Not later than 30  
21      days after the date of the enactment of this Act and every  
22      180 days thereafter, the Secretary of State shall submit  
23      to the appropriate congressional committees a report on  
24      the recommendations of the National Commission on Ter-  
25      rorist Attacks Upon the United States and the policy goals

1 described in section 7112 of the Intelligence Reform and  
2 Terrorism Prevention Act of 2004 (Public Law 108–458)  
3 for expanding United States scholarship, exchange, and  
4 library programs in Arab and predominantly Muslim coun-  
5 tries. Such report shall include—

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

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

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

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

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

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

1 (c) GAO REVIEW OF CERTIFICATION.—If the Sec-  
2 retary of State submits a certification pursuant to sub-  
3 section (a)(1), not later than 30 days after the submission  
4 of such certification, the Comptroller General of the  
5 United States shall submit to the appropriate congres-  
6 sional committees a report on whether the recommenda-  
7 tions referred to in subsection (a) have been implemented  
8 and whether the policy goals described in section 7112 of  
9 the Intelligence Reform and Terrorism Prevention Act of  
10 2004 have been achieved.

11 (d) DEFINITION.—In this section, the term “appro-  
12 priate congressional committees” means—

13 (1) the Committee on Foreign Affairs and the  
14 Committee on Oversight and Government Reform of  
15 the House of Representatives; and

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

19 **SEC. 1433. UNITED STATES POLICY TOWARD DETAINEES.**

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

21 (1) The National Commission on Terrorist At-  
22 tacks Upon the United States (commonly referred to  
23 as the “9/11 Commission”) declared that the United  
24 States “should work with friends to develop mutu-  
25 ally agreed-on principles for the detention and hu-

1        mane treatment of captured international terrorists  
2        who are not being held under a particular country’s  
3        criminal laws” and recommended that the United  
4        States engage our allies “to develop a common coaliti-  
5        tion approach toward the detention and humane  
6        treatment of captured terrorists”, drawing from  
7        Common Article 3 of the Geneva Conventions.

8            (2) Congress has passed several provisions of  
9        law that have changed United States standards re-  
10       relating to United States detainees, but such provi-  
11       sions have not been part of a common coalition ap-  
12       proach in this regard.

13           (3) A number of investigations remain ongoing  
14       by countries who are close United States allies in the  
15       war on terrorism regarding the conduct of officials,  
16       employees, and agents of the United States and of  
17       other countries related to conduct regarding detain-  
18       ees.

19       (b) REPORT; CERTIFICATION.—Not later than 90  
20       days after the date of the enactment of this Act and every  
21       180 days thereafter, the Secretary of State, in consulta-  
22       tion with the Attorney General and the Secretary of De-  
23       fense, shall submit to the relevant congressional commit-  
24       tees a report on any progress towards implementing the  
25       recommendations of the 9/11 Commission for engaging

1 United States allies to develop a common coalition ap-  
2 proach, in compliance with Common Article 3 of the Gene-  
3 va Conventions, toward the detention and humane treat-  
4 ment of individuals detained during Operation Iraqi Free-  
5 dom, Operation Enduring Freedom, or in connection with  
6 United States counterterrorist operations. Such report  
7 shall include—

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

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

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

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

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

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

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

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

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

13 (1) with respect to the House of Representa-  
14 tives, the Committee on Foreign Affairs, the Com-  
15 mittee on Armed Services, the Committee on Over-  
16 sight and Government Reform, the Committee on  
17 the Judiciary, and the Permanent Select Committee  
18 on Intelligence; and

19 (2) with respect to the Senate, the Committee  
20 on Foreign Relations, the Committee on Armed  
21 Services, the Committee on Homeland Security and  
22 Governmental Affairs, the Committee on the Judici-  
23 ary, and the Select Committee on Intelligence.

1 **Subtitle D—Strategy for the United**  
2 **States Relationship With Af-**  
3 **ghanistan, Pakistan, and Saudi**  
4 **Arabia**

5 **SEC. 1441. AFGHANISTAN.**

6 (a) STATEMENTS OF POLICY.—The following shall be  
7 the policies of the United States:

8 (1) The United States shall vigorously support  
9 the Government of Afghanistan as it continues on  
10 its path toward a broad-based, pluralistic, multi-eth-  
11 nic, gender-sensitive, and fully representative govern-  
12 ment in Afghanistan and shall maintain its long-  
13 term commitment to the people of Afghanistan by  
14 increased assistance and the continued deployment  
15 of United States troops in Afghanistan as long as  
16 the Government of Afghanistan supports such  
17 United States involvement.

18 (2) In order to reduce the ability of the Taliban  
19 and Al-Qaeda to finance their operations through  
20 the opium trade, the President shall engage aggres-  
21 sively with the Government of Afghanistan and our  
22 NATO partners, and in consultation with Congress,  
23 to assess the success of the Afghan counternarcotics  
24 strategy in existence as of December 2006 and to  
25 explore all additional options for addressing the nar-



1       cotics crisis in Afghanistan, including possible  
2       changes in rules of engagement for NATO and Coa-  
3       lition forces for participation in actions against nar-  
4       cotics trafficking and kingpins.

5       (b) STATEMENT OF CONGRESS.—Congress strongly  
6       urges that the Afghanistan Freedom Support Act of 2002  
7       be reauthorized and updated to take into account new de-  
8       velopments in Afghanistan and in the region so as to dem-  
9       onstrate the continued support by the United States for  
10      the people and Government of Afghanistan.

11      (c) EMERGENCY INCREASE IN POLICING OPER-  
12      ATIONS.—

13           (1) IN GENERAL.—The President shall make  
14      every effort, on an emergency basis, to dramatically  
15      increase the numbers of United States and inter-  
16      national police trainers, mentors, and police per-  
17      sonnel operating in conjunction with Afghanistan  
18      civil security forces and shall increase efforts to as-  
19      sist the Government of Afghanistan in addressing  
20      the corruption crisis that is threatening to under-  
21      mine Afghanistan's future.

22           (2) REPORT.—Not later than 180 days after  
23      the date of the enactment of this Act and every six  
24      months thereafter until September 31, 2010, the  
25      President shall submit to the Committee on Foreign

1 Affairs and the Committee on Appropriations of the  
2 House of Representatives and the Committee on  
3 Foreign Relations and the Committee on Appropria-  
4 tions of the Senate a report on United States efforts  
5 to fulfill the requirements of this subsection.

6 (d) EMERGENCY ENERGY ASSISTANCE.—

7 (1) FINDING.—Congress finds that short-term  
8 shortages of energy may destabilize the Government  
9 of Afghanistan and undermine the ability of Presi-  
10 dent Karzai to carry out critically needed reforms.

11 (2) AUTHORIZATION OF ASSISTANCE.—The  
12 President is authorized to provide assistance for the  
13 acquisition of emergency energy resources, including  
14 diesel fuel, to secure the delivery of electricity to  
15 Kabul, Afghanistan, and other major Afghan prov-  
16 inces and cities.

17 (3) AUTHORIZATION OF APPROPRIATIONS.—  
18 There are authorized to be appropriated to the  
19 President to carry out paragraph (2) such sums as  
20 may be necessary for each of fiscal years 2008 and  
21 2009.

22 **SEC. 1442. PAKISTAN.**

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

24 (1) Since September 11, 2001, the Government  
25 of Pakistan has been an important partner in help-

1       ing the United States remove the Taliban regime in  
2       Afghanistan and combating international terrorism  
3       in the frontier provinces of Pakistan.

4               (2) There remain a number of critical issues  
5       that threaten to disrupt the relationship between the  
6       United States and Pakistan, undermine inter-  
7       national security, and destabilize Pakistan, includ-  
8       ing—

9               (A) curbing the proliferation of nuclear  
10       weapons technology;

11              (B) combating poverty and corruption;

12              (C) building effective government institu-  
13       tions, especially secular public schools;

14              (D) promoting democracy and the rule of  
15       law, particularly at the national level;

16              (E) addressing the continued presence of  
17       Taliban and other violent extremist forces  
18       throughout the country;

19              (F) maintaining the authority of the Gov-  
20       ernment of Pakistan in all parts of its national  
21       territory;

22              (G) securing the borders of Pakistan to  
23       prevent the movement of militants and terror-  
24       ists into other countries and territories; and

1 (H) effectively dealing with Islamic extre-  
2 mism.

3 (b) STATEMENTS OF POLICY.—The following shall be  
4 the policies of the United States:

5 (1) To work with the Government of Pakistan  
6 to combat international terrorism, especially in the  
7 frontier provinces of Pakistan, and to end the use of  
8 Pakistan as a safe haven for forces associated with  
9 the Taliban.

10 (2) To establish a long-term strategic partner-  
11 ship with the Government of Pakistan to address the  
12 issues described in subparagraphs (A) through (H)  
13 of subsection (a)(2).

14 (3) To dramatically increase funding for pro-  
15 grams of the United States Agency for International  
16 Development and the Department of State that as-  
17 sist the Government of Pakistan in addressing such  
18 issues, if the Government of Pakistan demonstrates  
19 a commitment to building a moderate, democratic  
20 state, including significant steps towards free and  
21 fair parliamentary elections in 2007.

22 (4) To work with the international community  
23 to secure additional financial and political support to  
24 effectively implement the policies set forth in this  
25 subsection and help to resolve the dispute between

1 the Government of Pakistan and the Government of  
2 India over the disputed territory of Kashmir.

3 (c) STRATEGY RELATING TO PAKISTAN.—

4 (1) REQUIREMENT FOR REPORT ON STRAT-  
5 EGY.—Not later than 90 days after the date of the  
6 enactment of this Act, the President shall submit to  
7 the appropriate congressional committees a report,  
8 in classified form if necessary, that describes the  
9 long-term strategy of the United States to engage  
10 with the Government of Pakistan to address the  
11 issues described in subparagraphs (A) through (F)  
12 of subsection (a)(2) and carry out the policies de-  
13 scribed in subsection (b) in order accomplish the  
14 goal of building a moderate, democratic Pakistan.

15 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
16 TEES DEFINED.—In this subsection the term “ap-  
17 propriate congressional committees” means the  
18 Committee on Foreign Affairs and the Committee on  
19 Appropriations of the House of Representatives and  
20 the Committee on Foreign Relations and the Com-  
21 mittee on Appropriations of the Senate.

22 (d) LIMITATION ON UNITED STATES SECURITY AS-  
23 SISTANCE TO PAKISTAN.—

24 (1) LIMITATION.—

1           (A) IN GENERAL.—For fiscal years 2008  
2           and 2009, United States assistance under chap-  
3           ter 2 of part II of the Foreign Assistance Act  
4           of 1961 (22 U.S.C. 2311 et seq.) or section 23  
5           of the Arms Export Control Act (22 U.S.C.  
6           2763) may not be provided to, and a license for  
7           any item controlled under the Arms Export  
8           Control Act (22 U.S.C. 2751 et seq.) may not  
9           be approved for, Pakistan until 15 days after  
10          the date on which President determines and  
11          certifies to the appropriate congressional com-  
12          mittees that the Government of Pakistan is  
13          making all possible efforts to prevent the  
14          Taliban from operating in areas under its sov-  
15          ereign control, including in the cities of Quetta  
16          and Chaman and in the Northwest Frontier  
17          Province and the Federally Administered Tribal  
18          Areas.

19          (B) FORM.—The certification required by  
20          subparagraph (A) shall be transmitted in un-  
21          classified form, but may contain a classified  
22          annex.

23          (2) WAIVER.—The President may waive the  
24          limitation on assistance under paragraph (1) for a  
25          fiscal year if the President determines and certifies

1 to the appropriate congressional committees that it  
2 is important to the national security interest of the  
3 United States to do so.

4 (3) SUNSET.—The limitation on assistance  
5 under paragraph (1) shall cease to be effective be-  
6 ginning on the date on which the President deter-  
7 mines and certifies to the appropriate congressional  
8 committees that the Taliban, or any related suc-  
9 cessor organization, has ceased to exist as an organi-  
10 zation capable of conducting military, insurgent, or  
11 terrorist activities in Afghanistan from Pakistan.

12 (4) APPROPRIATE CONGRESSIONAL COMMIT-  
13 TEES DEFINED.—In this subsection, the term “ap-  
14 propriate congressional committees” means the  
15 Committee on Foreign Affairs and the Committee on  
16 Appropriations of the House of Representatives and  
17 the Committee on Foreign Relations and the Com-  
18 mittee on Appropriations of the Senate.

19 (e) NUCLEAR PROLIFERATION.—

20 (1) FINDING.—Congress finds that Pakistan’s  
21 maintenance of a network for the proliferation of  
22 nuclear and missile technologies would be incon-  
23 sistent with Pakistan being considered an ally of the  
24 United States.

1           (2) SENSE OF CONGRESS.—It is the sense of  
2 Congress that the national security interest of the  
3 United States will best be served if the United  
4 States develops and implements a long-term strategy  
5 to improve the United States relationship with Paki-  
6 stan and works with the Government of Pakistan to  
7 stop nuclear proliferation.

8           (f) AUTHORIZATION OF APPROPRIATIONS.—

9           (1) IN GENERAL.—There are authorized to be  
10 appropriated to the President for providing assist-  
11 ance for Pakistan for fiscal year 2008—

12           (A) for “Development Assistance”, such  
13 sums as may be necessary to carry out the pro-  
14 visions of sections 103, 105, and 106 of the  
15 Foreign Assistance Act of 1961 (22 U.S.C.  
16 2151a, 2151c, and 2151d,);

17           (B) for the “Child Survival and Health  
18 Programs Fund”, such sums as may be nec-  
19 essary to carry out the provisions of sections  
20 104 of the Foreign Assistance Act of 1961 (22  
21 U.S.C. 2151b);

22           (C) for the “Economic Support Fund”,  
23 such sums as may be necessary to carry out the  
24 provisions of chapter 4 of part II of the Foreign



1 Assistance Act of 1961 (22 U.S.C. 2346 et  
2 seq.);

3 (D) for “International Narcotics Control  
4 and Law Enforcement”, such sums as may be  
5 necessary to carry out the provisions of chapter  
6 8 of part I of the Foreign Assistance Act of  
7 1961 (22 U.S.C. 2291 et seq.);

8 (E) for “Nonproliferation, Anti-Terrorism,  
9 Demining and Related Programs”, such sums  
10 as may be necessary;

11 (F) for “International Military Education  
12 and Training”, such sums as may be necessary  
13 to carry out the provisions of chapter 5 of part  
14 II of the Foreign Assistance Act of 1961 (22  
15 U.S.C. 2347 et seq.); and

16 (G) for “Foreign Military Financing Pro-  
17 gram”, such sums as may be necessary to carry  
18 out the provisions of section 23 of the Arms  
19 Export Control Act (22 U.S.C. 2763).

20 (2) OTHER FUNDS.—Amounts authorized to be  
21 appropriated under this subsection are in addition to  
22 amounts otherwise available for such purposes.

23 (g) EXTENSION OF WAIVERS.—

24 (1) AMENDMENTS.—The Act entitled “An Act  
25 to authorize the President to exercise waivers of for-

1       eign assistance restrictions with respect to Pakistan  
2       through September 30, 2003, and for other pur-  
3       poses”, approved October 27, 2001 (Public Law  
4       107–57; 115 Stat. 403), is amended—

5               (A) in section 1(b)—

6                   (i) in the heading, to read as follows:

7       “(b) FISCAL YEARS 2007 AND 2008.—”; and

8                   (ii) in paragraph (1), by striking “any  
9       provision” and all that follows through  
10       “that prohibits” and inserting “any provi-  
11       sion of the foreign operations, export fi-  
12       nancing, and related programs appropria-  
13       tions Act for fiscal year 2007 or 2008 (or  
14       any other appropriations Act) that pro-  
15       hibits”;

16               (B) in section 3(2), by striking “Such pro-  
17       vision” and all that follows through “as are”  
18       and inserting “Such provision of the annual  
19       foreign operations, export financing, and related  
20       programs appropriations Act for fiscal years  
21       2002 through 2008 (or any other appropria-  
22       tions Act) as are”; and

23               (C) in section 6, by striking “the provi-  
24       sions” and all that follows and inserting “the

1 provisions of this Act shall terminate on Octo-  
2 ber 1, 2008.”.

3 (2) EFFECTIVE DATE.—The amendments made  
4 by paragraph (1) take effect on October 1, 2006.

5 (3) SENSE OF CONGRESS.—It is the sense of  
6 Congress that determinations to provide extensions  
7 of waivers of foreign assistance prohibitions with re-  
8 spect to Pakistan pursuant to Public Law 107–57  
9 for fiscal years after the fiscal years specified in the  
10 amendments made by paragraph (1) to Public Law  
11 107–57 should be informed by the pace of demo-  
12 cratic reform, extension of the rule of law, and the  
13 conduct of the parliamentary elections currently  
14 scheduled for 2007 in Pakistan.

15 **SEC. 1443. SAUDI ARABIA.**

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

17 (1) The Kingdom of Saudi Arabia has an un-  
18 even record in the fight against terrorism, especially  
19 with respect to terrorist financing, support for rad-  
20 ical madrassas, and a lack of political outlets for its  
21 citizens, that poses a threat to the security of the  
22 United States, the international community, and the  
23 Kingdom of Saudi Arabia itself.

24 (2) The United States has a national security  
25 interest in working with the Government of Saudi

1       Arabia to combat international terrorists who oper-  
2       ate within Saudi Arabia or who operate outside  
3       Saudi Arabia with the support of citizens of Saudi  
4       Arabia.

5       (b) SENSE OF CONGRESS.—It is the sense of Con-  
6       gress that, in order to more effectively combat terrorism,  
7       the Government of Saudi Arabia must undertake and con-  
8       tinue a number of political and economic reforms, includ-  
9       ing increasing anti-terrorism operations conducted by law  
10      enforcement agencies, providing more political rights to its  
11      citizens, increasing the rights of women, engaging in com-  
12      prehensive educational reform, enhancing monitoring of  
13      charitable organizations, promulgating and enforcing do-  
14      mestic laws, and regulation on terrorist financing.

15      (c) STATEMENTS OF POLICY.—The following shall be  
16      the policies of the United States:

17           (1) To engage with the Government of Saudi  
18      Arabia to openly confront the issue of terrorism, as  
19      well as other problematic issues, such as the lack of  
20      political freedoms, with the goal of restructuring the  
21      relationship on terms that leaders of both countries  
22      can publicly support.

23           (2) To enhance counterterrorism cooperation  
24      with the Government of Saudi Arabia, if the political

1 leaders of such government are committed to making  
2 a serious, sustained effort to combat terrorism.

3 (3) To support the efforts of the Government of  
4 Saudi Arabia to make political, economic, and social  
5 reforms throughout the country.

6 (d) STRATEGY RELATING TO SAUDI ARABIA.—

7 (1) REQUIREMENT FOR REPORT ON STRAT-  
8 EGY.—Not later than 90 days after the date of the  
9 enactment of this Act, the President shall submit to  
10 the appropriate congressional committees a report,  
11 in classified form if necessary, that describes the  
12 progress on the Strategic Dialogue (established by  
13 President George W. Bush and Crown Prince (now  
14 King) Abdullah in April 2005) between the United  
15 States and Saudi Arabia, including the progress  
16 made in such Dialogue toward implementing the  
17 long-term strategy of the United States to—

18 (A) engage with the Government of Saudi  
19 Arabia to facilitate political, economic, and so-  
20 cial reforms that will enhance the ability of the  
21 Government of Saudi Arabia to combat inter-  
22 national terrorism; and

23 (B) work with the Government of Saudi  
24 Arabia to combat terrorism, including through

1           effective prevention of the financing of ter-  
2           rorism by Saudi institutions and citizens.

3           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
4           TEES DEFINED.—In this subsection the term “ap-  
5           propriate congressional committees” means the  
6           Committee on Foreign Affairs and the Committee on  
7           Appropriations of the House of Representatives and  
8           the Committee on Foreign Relations and the Com-  
9           mittee on Appropriations of the Senate.