

108TH CONGRESS  
2D SESSION

# H. R. 4548

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IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Received; read twice and referred to the Select Committee on Intelligence

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## AN ACT

To authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

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

4       (a) SHORT TITLE.—This Act may be cited as the  
 5       “Intelligence Authorization Act for Fiscal Year 2005”.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
 DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Assistant Director of Central Intelligence for Information Manage-  
 ment.

Sec. 304. Reports on Pakistani efforts to curb proliferation of weapons of mass  
 destruction and to fight terrorism.

Sec. 305. Sense of Congress on the dismantling and removal of Libya’s weap-  
 ons of mass destruction.

Sec. 306. Sense of Congress that the apprehension, detention, and interrogation  
 of terrorists are fundamental to the successful prosecution of  
 the global war on terror.

Sec. 307. Sense of Congress on support for the efforts of the intelligence com-  
 munity.

Sec. 308. Sense of Congress.

Sec. 309. Inspector general report on evidence of relationship between Saddam  
 Hussein and al-Qaeda.

Sec. 310. Report on use of open source intelligence.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Permanent extension of Central Intelligence Agency voluntary separa-  
 tion incentive program.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. National Security Agency Emerging Technologies Panel.

## TITLE VI—EDUCATION

## Subtitle A—National Security Education Program

- Sec. 601. Provision for annual funding.
- Sec. 602. Modification of obligated service requirements under the National Security Education Program.
- Sec. 603. Improvements to the National Flagship Language Initiative.
- Sec. 604. Establishment of scholarship program for English language studies for heritage community citizens of the United States within the National Security Education Program.

## Subtitle B—Improvement in Intelligence Community Foreign Language Skills

- Sec. 611. Assistant Director of Central Intelligence for Language and Education.
- Sec. 612. Requirement for foreign language proficiency for advancement to certain senior level positions in the intelligence community.
- Sec. 613. Advancement of foreign languages critical to the intelligence community.
- Sec. 614. Pilot project for Civilian Linguist Reserve Corps.
- Sec. 615. Codification of establishment of the National Virtual Translation Center.
- Sec. 616. Report on recruitment and retention of qualified instructors of the Defense Language Institute.

## TITLE VII—REFORM OF DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

- Sec. 701. Designation of foreign terrorist organizations.
- Sec. 702. Inclusion in annual Department of State country reports on terrorism of information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations.

# **TITLE I—INTELLIGENCE ACTIVITIES**

## **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.

1 (4) The National Security Agency.

2 (5) The Department of the Army, the Depart-  
3 ment of the Navy, and the Department of the Air  
4 Force.

5 (6) The Department of State.

6 (7) The Department of the Treasury.

7 (8) The Department of Energy.

8 (9) The Department of Justice.

9 (10) The Federal Bureau of Investigation.

10 (11) The National Reconnaissance Office.

11 (12) The National Geospatial-Intelligence Agen-  
12 cy.

13 (13) The Coast Guard.

14 (14) The Department of Homeland Security.

15 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

16 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL  
17 CEILINGS.—The amounts authorized to be appropriated  
18 under section 101, and the authorized personnel ceilings  
19 as of September 30, 2005, for the conduct of the intel-  
20 ligence and intelligence-related activities of the elements  
21 listed in such section, are those specified in the classified  
22 Schedule of Authorizations prepared to accompany the bill  
23 H.R. 4548 of the One Hundred Eighth Congress.

24 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-  
25 THORIZATIONS.—The Schedule of Authorizations shall be

1 made available to the Committees on Appropriations of  
2 the Senate and House of Representatives and to the Presi-  
3 dent. The President shall provide for suitable distribution  
4 of the Schedule, or of appropriate portions of the Sched-  
5 ule, within the executive branch.

6 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

7 (a) **AUTHORITY FOR ADJUSTMENTS.**—With the ap-  
8 proval of the Director of the Office of Management and  
9 Budget, the Director of Central Intelligence may authorize  
10 employment of civilian personnel in excess of the number  
11 authorized for fiscal year 2005 under section 102 when  
12 the Director of Central Intelligence determines that such  
13 action is necessary to the performance of important intel-  
14 ligence functions.

15 (b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The  
16 Director of Central Intelligence shall notify promptly the  
17 Permanent Select Committee on Intelligence of the House  
18 of Representatives and the Select Committee on Intel-  
19 ligence of the Senate whenever the Director exercises the  
20 authority granted by this section.

21 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**  
22 **COUNT.**

23 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
24 authorized to be appropriated for the Intelligence Commu-  
25 nity Management Account of the Director of Central Intel-

1 lidence for fiscal year 2005 the sum of \$318,395,000.  
2 Within such amount, funds identified in the classified  
3 Schedule of Authorizations referred to in section 102(a)  
4 for advanced research and development shall remain avail-  
5 able until September 30, 2006.

6 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-  
7 ments within the Intelligence Community Management  
8 Account of the Director of Central Intelligence are author-  
9 ized 310 full-time personnel as of September 30, 2005.  
10 Personnel serving in such elements may be permanent em-  
11 ployees of the Intelligence Community Management Ac-  
12 count or personnel detailed from other elements of the  
13 United States Government.

14 (c) CLASSIFIED AUTHORIZATIONS.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
16 addition to amounts authorized to be appropriated  
17 for the Intelligence Community Management Ac-  
18 count by subsection (a), there are also authorized to  
19 be appropriated for the Intelligence Community  
20 Management Account for fiscal year 2005 such addi-  
21 tional amounts as are specified in the classified  
22 Schedule of Authorizations referred to in section  
23 102(a). Such additional amounts for research and  
24 development shall remain available until September  
25 30, 2006.

1           (2) AUTHORIZATION OF PERSONNEL.—In addi-  
2           tion to the personnel authorized by subsection (b)  
3           for elements of the Intelligence Community Manage-  
4           ment Account as of September 30, 2005, there are  
5           also authorized such additional personnel for such  
6           elements as of that date as are specified in the clas-  
7           sified Schedule of Authorizations.

8           (d) REIMBURSEMENT.—Except as provided in section  
9   113 of the National Security Act of 1947 (50 U.S.C.  
10   404h), during fiscal year 2005 any officer or employee of  
11   the United States or a member of the Armed Forces who  
12   is detailed to the staff of the Intelligence Community Man-  
13   agement Account from another element of the United  
14   States Government shall be detailed on a reimbursable  
15   basis, except that any such officer, employee, or member  
16   may be detailed on a nonreimbursable basis for a period  
17   of less than one year for the performance of temporary  
18   functions as required by the Director of Central Intel-  
19   ligence.

20          (e) NATIONAL DRUG INTELLIGENCE CENTER.—

21           (1) IN GENERAL.—Of the amount authorized to  
22           be appropriated in subsection (a), \$37,811,000 shall  
23           be available for the National Drug Intelligence Cen-  
24           ter. Within such amount, funds provided for re-  
25           search, development, testing, and evaluation pur-

1        poses shall remain available until September 30,  
2        2006, and funds provided for procurement purposes  
3        shall remain available until September 30, 2007.

4            (2) TRANSFER OF FUNDS.—The Director of  
5        Central Intelligence shall transfer to the Attorney  
6        General funds available for the National Drug Intel-  
7        ligence Center under paragraph (1). The Attorney  
8        General shall utilize funds so transferred for the ac-  
9        tivities of the National Drug Intelligence Center.

10           (3) LIMITATION.—Amounts available for the  
11        National Drug Intelligence Center may not be used  
12        in contravention of the provisions of section  
13        103(d)(1) of the National Security Act of 1947 (50  
14        U.S.C. 403–3(d)(1)).

15           (4) AUTHORITY.—Notwithstanding any other  
16        provision of law, the Attorney General shall retain  
17        full authority over the operations of the National  
18        Drug Intelligence Center.



1 **TITLE II—CENTRAL INTEL-**  
2 **LIGENCE AGENCY RETIRE-**  
3 **MENT AND DISABILITY SYS-**  
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-  
7 tral Intelligence Agency Retirement and Disability Fund  
8 for fiscal year 2005 the sum of \$239,400,000.

9 **TITLE III—GENERAL**  
10 **PROVISIONS**

11 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**  
12 **BENEFITS AUTHORIZED BY LAW.**

13 Appropriations authorized by this Act for salary, pay,  
14 retirement, and other benefits for Federal employees may  
15 be increased by such additional or supplemental amounts  
16 as may be necessary for increases in such compensation  
17 or benefits authorized by law.

18 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**  
19 **ACTIVITIES.**

20 The authorization of appropriations by this Act shall  
21 not be deemed to constitute authority for the conduct of  
22 any intelligence activity which is not otherwise authorized  
23 by the Constitution or the laws of the United States.

1 **SEC. 303. ASSISTANT DIRECTOR OF CENTRAL INTEL-**  
2 **LIGENCE FOR INFORMATION MANAGEMENT.**

3 (a) ESTABLISHMENT OF POSITION WITHIN THE OF-  
4 FICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—

5 Subsection (e)(2) of section 102 of the National Security  
6 Act of 1947 (50 U.S.C. 403) is amended—

7 (1) by striking subparagraph (G); and

8 (2) by inserting after subparagraph (F) the fol-  
9 lowing new subparagraph (G):

10 “(G) The Assistant Director of Central Intel-  
11 ligence for Information Management.”.

12 (b) DUTIES.—Section 102 of such Act (50 U.S.C.  
13 403) is amended—

14 (1) by striking subsection (h); and

15 (2) by inserting after subsection (g) the fol-  
16 lowing new subsection (h):

17 “(h) ASSISTANT DIRECTOR OF CENTRAL INTEL-  
18 LIGENCE FOR INFORMATION MANAGEMENT.—(1) To as-  
19 sist the Director of Central Intelligence in carrying out  
20 the Director’s responsibilities under this Act, there shall  
21 be an Assistant Director of Central Intelligence for Infor-  
22 mation Management who shall be appointed by the Presi-  
23 dent, by and with the advice and consent of the Senate.  
24 The Assistant Director of Central Intelligence for Infor-  
25 mation Management is the chief information officer of the  
26 intelligence community.

1       “(2) Subject to the direction of the Director of Cen-  
2 tral Intelligence, the Assistant Director of Central Intel-  
3 ligence for Information Management shall—

4           “(A) manage activities relating to the informa-  
5 tion technology infrastructure and enterprise archi-  
6 tecture requirements of the intelligence community;

7           “(B) have procurement approval authority over  
8 all information technology items related to the enter-  
9 prise architectures of all intelligence community  
10 components;

11          “(C) direct and manage all information tech-  
12 nology-related procurement for the intelligence com-  
13 munity; and

14          “(D) ensure that all expenditures for informa-  
15 tion technology and research and development activi-  
16 ties are consistent with the intelligence community  
17 enterprise architecture and the strategy of the Di-  
18 rector of Central Intelligence for such architecture.

19       “(3) An individual serving in the position of Assistant  
20 Director of Central Intelligence for Information Manage-  
21 ment may not, while so serving, serve as the chief informa-  
22 tion officer of any other agency or department, or compo-  
23 nent thereof, of the United States.”.

24       (c) REFERENCES.—Any reference to the Assistant  
25 Director of Central Intelligence for Administration in any

1 law, regulation, document, paper, or other record of the  
2 United States shall be deemed to be a reference to the  
3 Assistant Director of Central Intelligence for Information  
4 Management.

5 **SEC. 304. REPORTS ON PAKISTANI EFFORTS TO CURB PRO-**  
6 **LIFERATION OF WEAPONS OF MASS DE-**  
7 **STRUCTION AND TO FIGHT TERRORISM.**

8 (a) IN GENERAL.—The Director of Central Intel-  
9 ligence shall submit to the appropriate committees of Con-  
10 gress classified reports on the following matters:

11 (1) The efforts by the Government of Pakistan,  
12 or individuals or entities in Pakistan, to acquire or  
13 transfer weapons of mass destruction and related  
14 technologies, or missile equipment and technology, to  
15 any other nation, entity, or individual.

16 (2) The steps taken by the Government of  
17 Pakistan to combat proliferation of weapons of mass  
18 destruction and related technologies.

19 (3) The steps taken by the Government of  
20 Pakistan to safeguard nuclear weapons and related  
21 technologies in the possession of the Government of  
22 Pakistan.

23 (4) The size of the stockpile of fissile material  
24 of the Government of Pakistan and whether any ad-  
25 ditional fissile material has been produced.

1           (5) The efforts by the Government of Pakistan  
2           to fight Al Qaeda and the Taliban as well as to dis-  
3           mantle terrorist networks operating inside of Paki-  
4           stan.

5           (6) The efforts by the Government of Pakistan  
6           to establish and strengthen democratic institutions  
7           in Pakistan.

8           (b) DEADLINE FOR SUBMITTAL OF REPORTS.—(1)  
9           The Director of Central Intelligence shall submit the first  
10          report required under subsection (a) not later than 90  
11          days after the date of the enactment of this Act.

12          (2) The Director shall submit subsequent reports re-  
13          quired under subsection (a) on April 1 of 2005, 2006,  
14          2007, 2008, and 2009.

15          (c) DEFINITIONS.—In this section:

16               (1) APPROPRIATE COMMITTEES OF CON-  
17               GRESS.—The term “appropriate committees of Con-  
18               gress” means the following:

19                       (A) The Committee on Appropriations, the  
20                       Committee on Armed Services, the Select Com-  
21                       mittee on Intelligence, and the Committee on  
22                       Foreign Relations of the Senate.

23                       (B) The Committee on Appropriations, the  
24                       Committee on Armed Services, the Permanent  
25                       Select Committee on Intelligence, and the Com-

1           mittee on International Relations of the House  
2           of Representatives.

3           (2) WEAPONS OF MASS DESTRUCTION.—The  
4           term “weapons of mass destruction” has the mean-  
5           ing given such term in section 1403(1) of the De-  
6           fense Against Weapons of Mass Destruction Act of  
7           1996. (Public Law 104–201).

8           (3) MISSILE EQUIPMENT AND TECHNOLOGY.—  
9           The term “missile equipment and technology” has  
10          the meaning given such term in section 74(a)(5) of  
11          the Arms Export Control Act (22 U.S.C.  
12          2797c(a)(5)).

13 **SEC. 305. SENSE OF CONGRESS ON THE DISMANTLING AND**  
14 **REMOVAL OF LIBYA’S WEAPONS OF MASS DE-**  
15 **STRUCTION.**

16          (a) FINDINGS.—The Congress finds the following:

17               (1) Libya has been listed as a state sponsor of  
18               terrorism by the Department of State each year  
19               since 1979.

20               (2) A German court found the Libyan Govern-  
21               ment guilty of the East Berlin La Belle disco bomb-  
22               ing of 1986, in which two US servicemen were  
23               killed.

1           (3) A Scottish court in January 2001 found a  
2       former Libyan official guilty of the 1988 bombing of  
3       Pan Am Flight 103.

4           (4) Libya received and deserved world's con-  
5       demnations for these horrific acts against innocents.

6           (5) As a result of Libya's support for inter-  
7       national terrorism and its destabilizing role in the  
8       international community, the United States main-  
9       tained a comprehensive economic embargo on Libya  
10      for more than two decades, which was aided by mul-  
11      tilateral sanctions imposed by United Nations Secu-  
12      rity Council Resolutions 731 and 742 in 1992, and  
13      which together hobbled the development of the Liby-  
14      an economy.

15          (6) In March 2003, while Coalition Forces were  
16      preparing to liberate Iraq, Libya once again quietly  
17      approached members of the intelligence services of  
18      the United States and United Kingdom and indicted  
19      a willingness to discuss Libya's weapons of mass de-  
20      struction programs, as it had previously in the  
21      1990's.

22          (7) On December 19, 2003, after nine months  
23      of intense negotiations, Libya publicly announced  
24      that it was prepared to eliminate all elements of its  
25      clandestine nuclear and chemical weapons programs.

1           (8) The United States, the United Kingdom,  
2           partners in the Proliferation Security Initiative and  
3           key arms control agencies, including the Inter-  
4           national Atomic Energy Agency (IAEA) and the Or-  
5           ganization for the Prohibition of Chemical Weapons  
6           (OPCW), have worked in a multilateral and con-  
7           certed fashion with Libya in an effort to completely  
8           dismantle Libya's weapons of mass destruction pro-  
9           grams and the means to deliver them.

10          (9) Because of the hard work by the men and  
11          women of the intelligence community, United States  
12          policymakers were able to work successfully to con-  
13          vince Libya to relinquish its WMD programs.

14          (10) On January 27, 2004, a cargo plane flew  
15          from Libya to Knoxville, Tennessee, carrying 55,000  
16          pounds of equipment and documents relating to  
17          Libya's nuclear weapons and missile programs.

18          (11) Documents relating to those programs in-  
19          dicate that Libya had purchased a virtual "turnkey  
20          facility" to produce parts for gas centrifuges to-  
21          gether with assistance to assemble and test these  
22          centrifuges, and was otherwise attempting to develop  
23          a large uranium enrichment plant which could have  
24          produced enough fuel for several nuclear bombs a  
25          year.



1           (12) On January 24, 2004, Libya announced  
2           that it would accede to the Chemical Weapons Con-  
3           vention (CWC).

4           (13) On March 4, 2004, Libya submitted its  
5           Chemical Weapons Convention declaration, including  
6           a full declaration of its chemical weapons, an inven-  
7           tory of its production capacity, a description of any  
8           industrial activity that could be involved in making  
9           illegal weapons, and a plan for destroying any  
10          banned materials.

11          (14) All of Libya's known chemical munitions  
12          have since been destroyed and the country's stocks  
13          of mustard gas have been consolidated within a sin-  
14          gle secure facility under the supervision of the  
15          OPCW.

16          (15) On May 6, 2004, a cargo ship departed  
17          Libya for the United States carrying an additional  
18          1,000 tons of weapons of mass destruction equip-  
19          ment, including centrifuge parts and components  
20          needed to enrich uranium, the Libyan uranium con-  
21          version facility and all associated equipment, five  
22          SCUD-C missiles and launchers, and two partial  
23          missiles.

24          (16) In testimony before the Committee on  
25          International Relations of the House of Representa-

1       tives on May 10, 2004, Assistant Secretary of State  
2       for Verification and Compliance, Paula DeSutter, in-  
3       dicated that Libya had signed the additional protocol  
4       for the IAEA in Vienna and announced “the com-  
5       plete dismantlement of Libya’s longest range and  
6       most sophisticated missiles and the elimination of all  
7       of Libya’s declared chemical munitions”.

8           (17) International inspectors and monitors are  
9       expected to remain on the ground with full coopera-  
10      tion from Libya to ensure that Libya possesses no  
11      biological weapons programs and that its weapons of  
12      mass destruction programs have been fully disman-  
13      tled and or converted to civilian use.

14          (18) The United States and Libya currently are  
15      engaged in talks to enter a third phase of negotia-  
16      tions focused on follow-up, verification, and long-  
17      term monitoring to ensure that Libya’s weapons of  
18      mass destruction programs and the means to deliver  
19      them have been completely dismantled, as well as  
20      plans for the retraining of Libyan scientists and  
21      technicians for peaceful work.

22          (19) Libya’s cooperation with international in-  
23      spectors and revelations about procurement net-  
24      works have helped identify numerous black market  
25      suppliers in an “international supermarket” for nu-

1 clear parts and weapons designs that also has aided  
2 such countries as Iran, Syria, and North Korea.

3 (20) Other countries voluntarily have disman-  
4 tled their weapons of mass destruction programs,  
5 but Libya is the first and only country on the De-  
6 partment of State's list of State Sponsors of Ter-  
7 rorism to do so.

8 (21) Libya's decision to shed its pariah status  
9 and divest itself of its weapons of mass destruction  
10 programs can be directly attributed to decades of  
11 United States and multilateral economic sanctions  
12 against Libya, the demonstrated resolve of the  
13 United States in the global war against terrorism,  
14 the liberation of Iraq by United States Armed  
15 Forces and Coalition Forces, and the adoption of  
16 policies in targeting and seizing shipments of such  
17 weapons.

18 (22) It is appropriate to pursue a policy of cau-  
19 tious and deliberate re-engagement with Libya based  
20 upon verifiable results, but the United States should  
21 not restore full diplomatic relations with Libya un-  
22 less and until Libya has—

23 (A) agreed and submitted to comprehen-  
24 sive monitoring of the full dismantling of its  
25 weapons of mass destruction programs;

1 (B) severed all links to and support for  
2 acts of international terrorism;

3 (C) ceased all support for insurgency  
4 groups which have destabilized countries in Af-  
5 rica;

6 (D) demonstrated respect for human rights  
7 and the rule of law;

8 (E) implemented its pledge to cooperate in  
9 the further investigation of the destruction of  
10 Pan Am Flight 103; and

11 (F) settled all legal claims relating to past  
12 acts of international terrorism, including but  
13 not limited to the bombings of Pan Am Flight  
14 103 and the La Belle Discotheque.

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

17 (1) the world has been made safer with the dis-  
18 mantling and removal of Libya's weapons of mass  
19 destruction and the means to deliver them;

20 (2) this would not have been possible if not for  
21 decades of United States and multilateral sanctions  
22 against Libya, the demonstrated resolve of the  
23 United States in the global war on terror, and in the  
24 liberation of Iraq by United States and Coalition  
25 Forces;

1           (3) the President and previous Administrations  
2           should be commended for having the courage to un-  
3           dertake those policies which persuaded Libya to  
4           agree to relinquish such weapons; and

5           (4) other countries such as Iran, Syria, and  
6           North Korea, should follow Libya's example, and  
7           voluntarily dismantle their weapons of mass destruc-  
8           tion and submit their programs to international in-  
9           spections.

10 **SEC. 306. SENSE OF CONGRESS THAT THE APPREHENSION,**  
11 **DETENTION, AND INTERROGATION OF TER-**  
12 **RORISTS ARE FUNDAMENTAL TO THE SUC-**  
13 **CESSFUL PROSECUTION OF THE GLOBAL**  
14 **WAR ON TERROR.**

15           (a) FINDINGS.—The Congress finds the following:

16           (1) Throughout the 1980s and 1990s, the peo-  
17           ple of the United States were too often brutalized  
18           again and again by deadly terrorist violence, as evi-  
19           denced by the hundreds of American deaths in the  
20           Beirut and Lockerbie bombings, the attack on the  
21           World Trade Center in 1993, the destruction of the  
22           Khobar Towers military barracks, the bombing of  
23           the American embassies in Kenya and Tanzania,  
24           and the vicious attacks on the USS Cole in 2000.

1           (2) The terrorist violence targeted against the  
2       United States became more emboldened after each  
3       attack, culminating in the deadly attacks on the  
4       World Trade Center and the Pentagon on Sep-  
5       tember 11, 2001, which killed thousands of innocent  
6       Americans, including innocent women and children.

7           (3) Since September 11, 2001, the citizens of  
8       the United States have remained the priority target  
9       of terrorist violence, with journalists and employees  
10      of non-governmental organizations being held hos-  
11      tage, tortured, and decapitated in the name of ter-  
12      ror.

13          (4) Congress has authorized the President to  
14      use all necessary and appropriate means to defeat  
15      terrorism ; and on numerous occasions since Sep-  
16      tember 11, 2001, and throughout the Global War on  
17      Terror, the interrogation of detainees has yielded  
18      valuable intelligence that has saved the lives of  
19      American military personnel and American citizens  
20      at home and abroad.

21          (5) The interrogation of detainees has also pro-  
22      vided highly valuable insights into the structure of  
23      terrorist organizations, their target selection process,  
24      and the identities of key operational and logistical

1 personnel that were previously unknown to the Intel-  
2 ligence Community.

3 (6) The lawful interrogation of detainees is con-  
4 sistent with the United States Constitution.

5 (7) The abuses against detainees documented at  
6 Abu Ghraib prison in Iraq were deplorable aberrations  
7 that were not part of United States policy and  
8 were not in keeping with the finest traditions of the  
9 United States military and the honorable men and  
10 women who serve.

11 (8) The loss of interrogation-derived informa-  
12 tion would have a disastrous effect on the Nation's  
13 intelligence collection and counterterrorism efforts  
14 and would constitute a damaging reversal in the  
15 Global War on Terror during this critical time.

16 (9) The apprehension, detention, and interroga-  
17 tion of terrorists are essential elements to success-  
18 fully waging the Global War on Terror.

19 (10) The interrogation of detainees can and  
20 should continue by the United States within the  
21 bounds of the United States Constitution and the  
22 laws of the United States of America.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that the apprehension, detention, and interrogation

1 of terrorists are fundamental to the successful prosecution  
2 of the Global War on Terror.

3 **SEC. 307. SENSE OF CONGRESS ON SUPPORT FOR THE EF-**  
4 **FORTS OF THE INTELLIGENCE COMMUNITY.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The men and women of the intelligence  
7 community are the backbone of the Nation’s efforts  
8 to gather and collect the intelligence which is vital  
9 to the national security of the United States.

10 (2) The men and women of the intelligence  
11 community are great patriots who perform their jobs  
12 without fan fair and all too often without receiving  
13 the proper credit.

14 (3) The men and women of the intelligence  
15 community are combating vastly different threats to  
16 the Nation’s security compared to their Cold War  
17 colleagues.

18 (4) Threats to the United States have evolved  
19 through the use of technology and non-state actions,  
20 demanding alternatives to traditional diplomatic ac-  
21 tions.

22 (5) The 1995 “Deutch Guidelines” regarding  
23 the recruitment of foreign assets impeded human in-  
24 telligence collection efforts and contributed to the  
25 creation of a risk averse environment. Despite re-



1       peated efforts by the intelligence oversight commit-  
2       tees of Congress to convince the Director of Central  
3       Intelligence to drop the guidelines, these guidelines  
4       stood until formally repealed in 2001 by an Act of  
5       Congress.

6               (6) The President's budget request for the in-  
7       telligence community fell by 11 percent from 1993  
8       to 1995.

9               (7) Congress cut the President's budget request  
10      for the intelligence community each year from 1992  
11      through 1994.

12              (8) The cutbacks in resources and political sup-  
13      port during the middle of the previous decade has  
14      caused nearly irreversible damage.

15              (9) Widespread risk aversion in clandestine  
16      HUMINT collection and intelligence analysis re-  
17      sulted from lack of resources and, more importantly,  
18      of political support for the mission during the middle  
19      of the previous decade.

20              (10) Unnecessarily cumbersome legal impedi-  
21      ments to the clandestine HUMINT collection mis-  
22      sion were raised during the middle of the previous  
23      decade, leaving our intelligence officers unable to  
24      penetrate legitimate target organizations, such as  
25      terrorist groups.

1           (11) Congress and the current President have  
2       worked cooperatively to restore funding, personnel  
3       levels, and political support for intelligence.

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

6           (1) the intelligence community should be revi-  
7       talized by investing in the missions, people, and ca-  
8       pabilities of the community; and

9           (2) the efforts of the men and women of the in-  
10      telligence community should be recognized and com-  
11      mended.

12   **SEC. 308. SENSE OF CONGRESS.**

13       It is the Sense of Congress that the head of each ele-  
14      ment of the intelligence community, including the Central  
15      Intelligence Agency, the Federal Bureau of Investigation,  
16      and the intelligence elements of the Department of De-  
17      fense, the Department of State, and the Department of  
18      the Treasury should make available upon a request from  
19      a committee of Congress with jurisdiction over matters re-  
20      lating to the Office of the Iraq Oil-for-Food Program of  
21      the United Nations, any information and documents in the  
22      possession or control of such element in connection with  
23      any investigation of that Office by such a committee.

1 **SEC. 309. INSPECTOR GENERAL REPORT ON EVIDENCE OF**  
2 **RELATIONSHIP BETWEEN SADDAM HUSSEIN**  
3 **AND AL-QAEDA.**

4 (a) AUDIT.—The Inspector General of the Central  
5 Intelligence Agency shall conduct an audit of the evidence  
6 of any relationship, existing before September 11, 2001,  
7 between the regime of Saddam Hussein and al-Qaeda, ref-  
8 erenced in all intelligence reporting of the Central Intel-  
9 ligence Agency, including products, briefings and memo-  
10 randa, distributed to the White House and Congress.

11 (b) REPORT TO CONGRESS.—Not later than one year  
12 after the date of the enactment of this Act, the Inspector  
13 General shall submit to Congress a report on the audit  
14 conducted under subsection (a).

15 **SEC. 310. REPORT ON USE OF OPEN SOURCE INTEL-**  
16 **LIGENCE.**

17 Not later than 6 months after the date of the enact-  
18 ment of this Act, the Director of Central Intelligence shall  
19 submit to Congress an unclassified report on progress  
20 made by the intelligence community with respect to the  
21 use of Open Source Intelligence (OSINT).

**TITLE IV—CENTRAL  
INTELLIGENCE AGENCY**

**SEC. 401. PERMANENT EXTENSION OF CENTRAL INTEL-  
LIGENCE AGENCY VOLUNTARY SEPARATION  
INCENTIVE PROGRAM.**

(a) EXTENSION OF PROGRAM.—Section 2 of the Cen-  
tral Intelligence Agency Voluntary Separation Pay Act (50  
U.S.C. 403–4 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as  
subsections (f) and (g), respectively.

(b) TERMINATION OF FUNDS REMITTANCE RE-  
QUIREMENT.—(1) Section 2 of such Act (50 U.S.C. 403–  
4 note) is further amended by striking subsection (i).

(2) Section 4(a)(2)(B)(ii) of the Federal Workforce  
Restructuring Act of 1994 (5 U.S.C. 8331 note) is amend-  
ed by striking “, or section 2 of the Central Intelligence  
Agency Voluntary Separation Pay Act (Public Law 103–  
36; 107 Stat. 104)”.

1 **TITLE V—DEPARTMENT OF DE-**  
2 **FENSE INTELLIGENCE AC-**  
3 **TIVITIES**

4 **SEC. 501. NATIONAL SECURITY AGENCY EMERGING TECH-**  
5 **NOLOGIES PANEL.**

6 The National Security Agency Act of 1959 (50  
7 U.S.C. 402 note) is amended by adding at the end the  
8 following new section:

9 “SEC. 19. (a) There is established the National Secu-  
10 rity Agency Emerging Technologies Panel. The panel is  
11 a standing panel of the National Security Agency. The  
12 panel shall be appointed by, and shall report directly to,  
13 the Director.

14 “(b) The National Security Agency Emerging Tech-  
15 nologies Panel shall study and assess, and periodically ad-  
16 vise the Director on, the research, development, and appli-  
17 cation of existing and emerging science and technology ad-  
18 vances, advances on encryption, and other topics.

19 “(c) The Federal Advisory Committee Act (5 U.S.C.  
20 App.) shall not apply with respect to the National Security  
21 Agency Emerging Technologies Panel.”.

**TITLE VI—EDUCATION**  
**Subtitle A—National Security**  
**Education Program**

**SEC. 601. PROVISION FOR ANNUAL FUNDING.**

(a) IN GENERAL.—Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037), is amended by adding at the end of section 810 the following new subsection:

“(c) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, \$8,000,000, to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).”.

(b) CONFORMING AMENDMENT.—Section 802(a)(2) of such Act (50 U.S.C. 1902(a)(2)) is amended in the matter preceding subparagraph (A) by inserting “or from

1 a transfer under section 810(c)” after “National Security  
2 Education Trust Fund”.

3 **SEC. 602. MODIFICATION OF OBLIGATED SERVICE RE-**  
4 **QUIREMENTS UNDER THE NATIONAL SECU-**  
5 **RITY EDUCATION PROGRAM.**

6 (a) IN GENERAL.—Subsection (b)(2) of section 802  
7 of title VIII of the Intelligence Authorization Act for Fis-  
8 cal Year 1992 (Public Law 102–183; 105 Stat. 1273), as  
9 amended by section 925(a) of the National Defense Au-  
10 thorization Act for Fiscal Year 2004 (Public Law 108–  
11 136; 117 Stat. 1578), is amended by striking subpara-  
12 graphs (A) and (B), and inserting the following:

13 “(A) in the case of a recipient of a scholar-  
14 ship, as soon as practicable but in no case later  
15 than three years after the completion by the re-  
16 cipient of the study for which scholarship as-  
17 sistance was provided under the program, the  
18 recipient shall work for a period of one year—

19 “(i) in a national security position  
20 that the Secretary certifies is appropriate  
21 to use the unique language and region ex-  
22 pertise acquired by the recipient pursuant  
23 to such study in the Department of De-  
24 fense, in any element of the intelligence  
25 community, in the Department of Home-

land Security, or in the Department of State; or

“(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); or

“(B) in the case of a recipient of a fellowship, as soon as practicable but in no case later than two years after the completion by the recipient of the study for which fellowship assistance was provided under the program, the recipient shall work for a period equal to the duration of assistance provided under the program, but in no case less than one year—

“(i) in a position described in subparagraph (A)(i) that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to such study; or

“(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position



1 is available in a Federal department or  
2 agency specified in clause (i); and”.

3 (b) REGULATIONS.—The Secretary of Defense shall  
4 prescribe regulations to carry out the amendment made  
5 by subsection (a). In prescribing such regulations, the Sec-  
6 retary shall establish standards that recipients of scholar-  
7 ship and fellowship assistance under the program under  
8 such section 802 are required to demonstrate to satisfy  
9 the requirement of a good faith effort to gain employment  
10 as required under subparagraphs (A) and (B) of sub-  
11 section (b)(2) of such section.

12 (c) APPLICABILITY.—(1) The amendment made by  
13 subsection (a) shall apply with respect to service agree-  
14 ments entered into under the David L. Boren National  
15 Security Education Act of 1991 on or after the date of  
16 the enactment of this Act.

17 (2) The amendment made by subsection (a) shall not  
18 affect the force, validity, or terms of any service agreement  
19 entered into under the David L. Boren National Security  
20 Education Act of 1991 before the date of the enactment  
21 of this Act that is in force as of that date.

22 **SEC. 603. IMPROVEMENTS TO THE NATIONAL FLAGSHIP**  
23 **LANGUAGE INITIATIVE.**

24 (a) INCREASE IN ANNUAL FUNDING.—Title VIII of  
25 the Intelligence Authorization Act for Fiscal Year 1992

1 (Public Law 102–183; 105 Stat. 1271), as amended by  
2 section 311(c) of the Intelligence Authorization Act for  
3 Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037)  
4 and by section 333(b) of the Intelligence Authorization  
5 Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.  
6 2397), is amended by striking section 811 and inserting  
7 the following new section 811:

8 **“SEC. 811. FUNDING FOR THE NATIONAL FLAGSHIP LAN-**  
9 **GUAGE INITIATIVE.**

10 “(a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-  
11 CAL YEARS 2003 and 2004.—In addition to amounts that  
12 may be made available to the Secretary under the Fund  
13 for a fiscal year, there is authorized to be appropriated  
14 to the Secretary for each fiscal year, beginning with fiscal  
15 year 2003, \$10,000,000, to carry out the grant program  
16 for the National Flagship Language Initiative under sec-  
17 tion 802(a)(1)(D).

18 “(b) FUNDING FROM INTELLIGENCE COMMUNITY  
19 MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING  
20 WITH FISCAL YEAR 2005.—In addition to amounts that  
21 may be made available to the Secretary under the Fund  
22 for a fiscal year, the Director of Central Intelligence shall  
23 transfer to the Secretary from amounts appropriated for  
24 the Intelligence Community Management Account for each  
25 fiscal year, beginning with fiscal year 2005, \$12,000,000,

1 to carry out the grant program for the National Flagship  
2 Language Initiative under section 802(a)(1)(D).

3 “(c) AVAILABILITY OF APPROPRIATED FUNDS.—  
4 Amounts made available under this section shall remain  
5 available until expended.”.

6 (b) REQUIREMENT FOR EMPLOYMENT AGREE-  
7 MENTS.—(1) Section 802(i) of the David L. Boren Na-  
8 tional Security Education Act of 1991 (50 U.S.C. 1902(i))  
9 is amended by adding at the end the following new para-  
10 graph:

11 “(5)(A) In the case of an undergraduate or graduate  
12 student that participates in training in programs under  
13 paragraph (1), the student shall enter into an agreement  
14 described in subsection (b), other than such a student who  
15 has entered into such an agreement pursuant to subpara-  
16 graph (A)(ii) or (B)(ii) of section 802(a)(1).

17 “(B) In the case of an employee of an agency or de-  
18 partment of the Federal Government that participates in  
19 training in programs under paragraph (1), the employee  
20 shall agree in writing—

21 “(i) to continue in the service of the agency or  
22 department of the Federal Government employing  
23 the employee for the period of such training;

24 “(ii) to continue in the service of such agency  
25 or department employing the employee following

1 completion of such training for a period of two years  
2 for each year, or part of the year, of such training;

3 “(iii) to reimburse the United States for the  
4 total cost of such training (excluding the employee’s  
5 pay and allowances) provided to the employee if, be-  
6 fore the completion by the employee of the training,  
7 the employment of the employee by the agency or  
8 department is terminated due to misconduct by the  
9 employee or by the employee voluntarily; and

10 “(iv) to reimburse the United States if, after  
11 completing such training, the employment of the em-  
12 ployee by the agency or department is terminated ei-  
13 ther by the agency or department due to misconduct  
14 by the employee or by the employee voluntarily, be-  
15 fore the completion by the employee of the period of  
16 service required in clause (ii), in an amount that  
17 bears the same ratio to the total cost of the training  
18 (excluding the employee’s pay and allowances) pro-  
19 vided to the employee as the unserved portion of  
20 such period of service bears to the total period of  
21 service under clause (ii).

22 “(C) Subject to subparagraph (D), the obligation to  
23 reimburse the United States under an agreement under  
24 subparagraph (A) is for all purposes a debt owing the  
25 United States.

1       “(D) The head of an element of the intelligence com-  
2 munity may release an employee, in whole or in part, from  
3 the obligation to reimburse the United States under an  
4 agreement under subparagraph (A) when, in the discretion  
5 of the head of the element, the head of the element deter-  
6 mines that equity or the interests of the United States  
7 so require.”.

8       (2) The amendment made by paragraph (1) shall  
9 apply to training that begins on or after the date that is  
10 90 days after the date of the enactment of this Act.

11       (c) INCREASE IN THE NUMBER OF PARTICIPATING  
12 EDUCATIONAL INSTITUTIONS.—The Secretary of Defense  
13 shall take such steps as the Secretary determines will in-  
14 crease the number of qualified educational institutions  
15 that receive grants under the National Flagship Language  
16 Initiative to establish, operate, or improve activities de-  
17 signed to train students in programs in a range of dis-  
18 ciplines to achieve advanced levels of proficiency in those  
19 foreign languages that the Secretary identifies as being  
20 the most critical in the interests of the national security  
21 of the United States.

22       (d) CLARIFICATION OF AUTHORITY TO SUPPORT  
23 STUDIES ABROAD.—Educational institutions that receive  
24 grants under the National Flagship Language Initiative  
25 may support students who pursue total immersion foreign

1 language studies overseas of foreign languages that are  
 2 critical to the national security of the United States.

3 **SEC. 604. ESTABLISHMENT OF SCHOLARSHIP PROGRAM**  
 4 **FOR ENGLISH LANGUAGE STUDIES FOR HER-**  
 5 **ITAGE COMMUNITY CITIZENS OF THE UNITED**  
 6 **STATES WITHIN THE NATIONAL SECURITY**  
 7 **EDUCATION PROGRAM.**

8 (a) SCHOLARSHIP PROGRAM FOR ENGLISH LAN-  
 9 GUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS  
 10 OF THE UNITED STATES.—(1) Subsection (a)(1) of sec-  
 11 tion 802 of the David L. Boren National Security Edu-  
 12 cation Act of 1991 (50 U.S.C. 1902) is amended—

13 (A) by striking “and” at the end of subpara-  
 14 graph (C);

15 (B) by striking the period at the end of sub-  
 16 paragraph (D) and inserting “; and”; and

17 (C) by adding at the end the following new sub-  
 18 paragraph:

19 “(E) awarding scholarships to students  
 20 who—

21 “(i) are United States citizens who—

22 “(I) are native speakers (com-  
 23 monly referred to as heritage commu-  
 24 nity residents) of a foreign language  
 25 that is identified as critical to the na-

1 tional security interests of the United  
2 States who should be actively re-  
3 cruited for employment by Federal se-  
4 curity agencies with a need for lin-  
5 guists; and

6 “(II) are not proficient at a pro-  
7 fessional level in the English language  
8 with respect to reading, writing, and  
9 interpersonal skills required to carry  
10 out the national security interests of  
11 the United States, as determined by  
12 the Secretary,

13 to enable such students to pursue English  
14 language studies at an institution of higher  
15 education of the United States to attain  
16 proficiency in those skills; and

17 “(ii) enter into an agreement to work  
18 in a national security position or work in  
19 the field of education in the area of study  
20 for which the scholarship was awarded in  
21 a similar manner (as determined by the  
22 Secretary) as agreements entered into pur-  
23 suant to subsection (b)(2)(A).”.

24 (2) The matter following subsection (a)(2) of such  
25 section is amended—

1 (A) in the first sentence, by inserting “or for  
 2 the scholarship program under paragraph (1)(E)”  
 3 after “under paragraph (1)(D) for the National  
 4 Flagship Language Initiative described in subsection  
 5 (i)”; and

6 (B) by adding at the end the following: “For  
 7 the authorization of appropriations for the scholar-  
 8 ship program under paragraph (1)(E), see section  
 9 812.”.

10 (3) Section 803(d)(4)(E) of such Act (50 U.S.C.  
 11 1903(d)(4)(E)) is amended by inserting before the period  
 12 the following: “and section 802(a)(1)(E) (relating to  
 13 scholarship programs for advanced English language stud-  
 14 ies by heritage community residents)”.

15 (b) FUNDING.—The David L. Boren National Secu-  
 16 rity Education Act of 1991 (50 U.S.C. 1901 et seq.) is  
 17 amended by adding at the end the following new section:

18 **“SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR**  
 19 **CERTAIN HERITAGE COMMUNITY RESIDENTS.**

20 **“(a) FUNDING FROM INTELLIGENCE COMMUNITY**  
 21 **MANAGEMENT ACCOUNT.**—In addition to amounts that  
 22 may be made available to the Secretary under the Fund  
 23 for a fiscal year, the Director of Central Intelligence shall  
 24 transfer to the Secretary from amounts appropriated for  
 25 the Intelligence Community Management Account for each



1 fiscal year, beginning with fiscal year 2005, \$4,000,000,  
2 to carry out the scholarship programs for English lan-  
3 guage studies by certain heritage community residents  
4 under section 802(a)(1)(E).

5 “(b) AVAILABILITY OF FUNDS.—Amounts made  
6 available under subsection (a) shall remain available until  
7 expended.”.

8 **Subtitle B—Improvement in Intel-**  
9 **ligence Community Foreign**  
10 **Language Skills**

11 **SEC. 611. ASSISTANT DIRECTOR OF CENTRAL INTEL-**  
12 **LIGENCE FOR LANGUAGE AND EDUCATION.**

13 (a) IN GENERAL.—Section 102 of the National Secu-  
14 rity Act of 1947 (50 U.S.C. 403) is amended—

15 (1) by adding at the end the following new sub-  
16 section:

17 “(i) ASSISTANT DIRECTOR OF CENTRAL INTEL-  
18 LIGENCE FOR LANGUAGE AND EDUCATION.—(1) To as-  
19 sist the Director of Central Intelligence in carrying out  
20 the Director’s responsibilities under this Act, there shall  
21 be an Assistant Director of Central Intelligence for Lan-  
22 guage and Education who shall be appointed by the Presi-  
23 dent, by and with the advice and consent of the Senate.

1       “(2) The Assistant Director of Central Intelligence  
2 for Language and Education shall carry out the following  
3 duties:

4               “(A) Overseeing and coordinating requirements  
5 for foreign language education and training of the  
6 intelligence community.

7               “(B) Establishing policy, standards, and prior-  
8 ities relating to such requirements.

9               “(C) Identifying languages that are critical to  
10 the capability of the intelligence community to carry  
11 out national security activities of the United States.

12               “(D) Monitoring the allocation of resources for  
13 foreign language education and training in order to  
14 ensure the requirements of the intelligence commu-  
15 nity with respect to foreign language proficiency are  
16 met.”;

17               (2) in subsection (d)(2) by adding at the end  
18 the following:

19               “(E) Through the Assistant Director of Central  
20 Intelligence for Language and Education, ensuring  
21 the foreign language education and training require-  
22 ments of the intelligence community are met.”; and

23               (3) in subsection (e)(2)—

24                       (A) by redesignating subparagraph (H) as  
25 subparagraph (I); and

1 (B) by inserting after subparagraph (G)  
2 the following new subparagraph (H):

3 “(H) The Assistant Director of Central Intel-  
4 ligence for Education and Language.”.

5 (b) REPORTS.—Not later than 1 year after the date  
6 on which the Assistant Director of Central Intelligence for  
7 Language and Education is first appointed under section  
8 102(i) of the National Security Act of 1947, as added by  
9 subsection (a), the Assistant Director shall submit to Con-  
10 gress the following reports:

11 (1) A report that identifies—

12 (A) skills and processes involved in learn-  
13 ing a foreign language; and

14 (B) characteristics and teaching techniques  
15 that are most effective in teaching foreign lan-  
16 guages.

17 (2)(A) A report that identifies foreign language  
18 heritage communities, particularly such communities  
19 that include speakers of languages that are critical  
20 to the national security of the United States.

21 (B) For purposes of subparagraph (A), the  
22 term “foreign language heritage community” means  
23 a community of residents or citizens of the United  
24 States—

1 (i) who are native speakers of, or who have  
 2 fluency in, a foreign language; and

3 (ii) who should be actively recruited for  
 4 employment by Federal security agencies with a  
 5 need for linguists.

6 (3) A report on—

7 (A) the estimated cost of establishing a  
 8 program under which the heads of elements of  
 9 the intelligence community agree to repay em-  
 10 ployees of the intelligence community for any  
 11 student loan taken out by that employee for the  
 12 study of foreign languages critical for the na-  
 13 tional security of the United States; and

14 (B) the effectiveness of such a program in  
 15 recruiting and retaining highly qualified per-  
 16 sonnel in the intelligence community.

17 **SEC. 612. REQUIREMENT FOR FOREIGN LANGUAGE PRO-**  
 18 **FICIENCY FOR ADVANCEMENT TO CERTAIN**  
 19 **SENIOR LEVEL POSITIONS IN THE INTEL-**  
 20 **LIGENCE COMMUNITY.**

21 (a) IN GENERAL.—Section 104 of the National Secu-  
 22 rity Act of 1947 (50 U.S.C. 403–4) is amended by adding  
 23 at the end the following new subsection:

24 “(i) REQUIREMENT FOR FOREIGN LANGUAGE PRO-  
 25 FICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN

1 THE CENTRAL INTELLIGENCE AGENCY.—(1) An indi-  
2 vidual may not be appointed to a position in the Senior  
3 Intelligence Service in the Directorate of Intelligence or  
4 the Directorate of Operations of the Central Intelligence  
5 Agency unless the Director of Central Intelligence deter-  
6 mines that the individual—

7           “(A) has been certified as having a professional  
8       speaking and reading proficiency in a foreign lan-  
9       guage, such proficiency being at least level 3 on the  
10      Interagency Language Roundtable Language Skills  
11      Level or commensurate proficiency level on such  
12      other indicator of proficiency as the Director deter-  
13      mines to be appropriate; and

14           “(B) is able to effectively communicate the pri-  
15      orities of the United States and exercise influence in  
16      that foreign language.

17           “(2) The Director shall carry out this subsection  
18      through the Assistant Director of Central Intelligence for  
19      Language and Education.”.

20           (b) CONFORMING AMENDMENT.—Subsection (i) of  
21      section 102 of the National Security Act of 1947 (50  
22      U.S.C. 403), as added by section 611(a), is amended in  
23      paragraph (2) by adding at the end the following new sub-  
24      paragraph:

1           “(E) Making determinations under section  
2       104(i).”.

3       (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to appointments made  
5 on or after the date that is one year after the date of  
6 the enactment of this Act.

7       (d) REPORT ON EXCEPTIONS.—The Director of Cen-  
8 tral Intelligence shall submit to Congress a report that  
9 identifies positions within the Senior Intelligence Service  
10 in the Directorate of Intelligence or the Directorate of Op-  
11 erations of the Central Intelligence Agency that should be  
12 exempt from the requirements of section 104(i) of the Na-  
13 tional Security Act of 1947, as added by subsection (a),  
14 and that includes the rationale for the exemption of each  
15 such position identified by the Director.

16 **SEC. 613. ADVANCEMENT OF FOREIGN LANGUAGES CRIT-**  
17 **ICAL TO THE INTELLIGENCE COMMUNITY.**

18       (a) IN GENERAL.—Title X of the National Security  
19 Act of 1947 (50 U.S.C.) is amended—

20           (1) by inserting before section 1001 (50 U.S.C.  
21       441g) the following:

22                   **“Subtitle A—Science and**  
23                   **Technology”;**

24           and

1 (2) by adding at the end the following new sub-  
2 titles:

3 **“Subtitle B—Foreign Languages**  
4 **Program**

5 “PROGRAM ON ADVANCEMENT OF FOREIGN LANGUAGES  
6 CRITICAL TO THE INTELLIGENCE COMMUNITY

7 “SEC. 1011. (a) ESTABLISHMENT OF PROGRAM.—  
8 The Secretary of Defense and the Director of Central In-  
9 telligence may jointly establish a program to advance for-  
10 eign languages skills in languages that are critical to the  
11 capability of the intelligence community to carry out na-  
12 tional security activities of the United States (hereinafter  
13 in this subtitle referred to as the ‘Foreign Languages Pro-  
14 gram’).

15 “(b) IDENTIFICATION OF REQUISITE ACTIONS.—In  
16 order to carry out the Foreign Languages Program, the  
17 Secretary of Defense and the Director of Central Intel-  
18 ligence shall jointly determine actions required to improve  
19 the education of personnel in the intelligence community  
20 in foreign languages that are critical to the capability of  
21 the intelligence community to carry out national security  
22 activities of the United States to meet the long-term intel-  
23 ligence needs of the United States.

24 “EDUCATION PARTNERSHIPS

25 “SEC. 1012. (a) IN GENERAL.—In carrying out the  
26 Foreign Languages Program, the head of an element of

1 an intelligence community entity may enter into one or  
2 more education partnership agreements with educational  
3 institutions in the United States in order to encourage and  
4 enhance the study of foreign languages that are critical  
5 to the capability of the intelligence community to carry  
6 out national security activities of the United States in edu-  
7 cational institutions.

8 “(b) ASSISTANCE PROVIDED UNDER EDUCATIONAL  
9 PARTNERSHIP AGREEMENTS.—Under an educational  
10 partnership agreement entered into with an educational  
11 institution pursuant to this section, the head of an element  
12 of an intelligence community entity may provide the fol-  
13 lowing assistance to the educational institution:

14 “(1) The loan of equipment and instructional  
15 materials of the element of the intelligence commu-  
16 nity entity to the educational institution for any pur-  
17 pose and duration that the head determines to be  
18 appropriate.

19 “(2) Notwithstanding any other provision of  
20 law relating to transfers of surplus property, the  
21 transfer to the educational institution of any com-  
22 puter equipment, or other equipment, that is—

23 “(A) commonly used by educational insti-  
24 tutions;



1           “(B) surplus to the needs of the entity;  
2           and

3           “(C) determined by the head of the ele-  
4           ment to be appropriate for support of such  
5           agreement.

6           “(3) The provision of dedicated personnel to the  
7           educational institution—

8           “(A) to teach courses in foreign languages  
9           that are critical to the capability of the intel-  
10          ligence community to carry out national secu-  
11          rity activities of the United States; or

12          “(B) to assist in the development of such  
13          courses and materials for the institution.

14          “(4) The involvement of faculty and students of  
15          the educational institution in research projects of the  
16          element of the intelligence community entity.

17          “(5) Cooperation with the educational institu-  
18          tion in developing a program under which students  
19          receive academic credit at the educational institution  
20          for work on research projects of the element of the  
21          intelligence community entity.

22          “(6) The provision of academic and career ad-  
23          vice and assistance to students of the educational in-  
24          stitution.

1           “(7) The provision of cash awards and other  
2           items that the head of the element of the intelligence  
3           community entity determines to be appropriate.

4                           “VOLUNTARY SERVICES

5           “SEC. 1013. (a) AUTHORITY TO ACCEPT SERV-  
6           ICES.—Notwithstanding section 1342 of title 31, United  
7           States Code, and subject to subsection (b), the Foreign  
8           Languages Program under section 1011 shall include au-  
9           thority for the head of an element of an intelligence com-  
10          munity entity to accept from any individual who is dedi-  
11          cated personnel (as defined in section 1016(3)) voluntary  
12          services in support of the activities authorized by this sub-  
13          title.

14          “(b) REQUIREMENTS AND LIMITATIONS.—(1) In ac-  
15          cepting voluntary services from an individual under sub-  
16          section (a), the head of the element shall—

17                  “(A) supervise the individual to the same extent  
18                  as the head of the element would supervise a com-  
19                  pensated employee of that element providing similar  
20                  services; and

21                  “(B) ensure that the individual is licensed, priv-  
22                  ileged, has appropriate educational or experiential  
23                  credentials, or is otherwise qualified under applicable  
24                  law or regulations to provide such services.

1       “(2) In accepting voluntary services from an indi-  
2       vidual under subsection (a), the head of an element of the  
3       intelligence community entity may not—

4               “(A) place the individual in a policymaking po-  
5       sition, or other position performing inherently gov-  
6       ernment functions; or

7               “(B) except as provided in subsection (e), com-  
8       pensate the individual for the provision of such serv-  
9       ices.

10       “(c) AUTHORITY TO RECRUIT AND TRAIN INDIVID-  
11       UALS PROVIDING SERVICES.—The head of an element of  
12       an intelligence community entity may recruit and train in-  
13       dividuals to provide voluntary services accepted under sub-  
14       section (a).

15       “(d) STATUS OF INDIVIDUALS PROVIDING SERV-  
16       ICES.—(1) Subject to paragraph (2), while providing vol-  
17       untary services accepted under subsection (a) or receiving  
18       training under subsection (c), an individual shall be con-  
19       sidered to be an employee of the Federal Government only  
20       for purposes of the following provisions of law:

21               “(A) Subchapter I of chapter 81 of title 5,  
22       United States Code (relating to compensation for  
23       work-related injuries).

1           “(B) Section 552a of title 5, United States  
2           Code (relating to maintenance of records on individ-  
3           uals).

4           “(C) Chapter 11 of title 18, United States Code  
5           (relating to conflicts of interest).

6           “(2)(A) With respect to voluntary services accepted  
7           under paragraph (1) provided by an individual that are  
8           within the scope of the services so accepted, the individual  
9           is deemed to be a volunteer of a governmental entity or  
10          nonprofit institution for purposes of the Volunteer Protec-  
11          tion Act of 1997 (42 U.S.C. 14501 et seq.).

12          “(B) In the case of any claim against such an indi-  
13          vidual with respect to the provision of such services, sec-  
14          tion 4(d) of such Act (42 U.S.C. 14503(d)) shall not  
15          apply.

16          “(3) Acceptance of voluntary services under this sec-  
17          tion shall have no bearing on the issuance or renewal of  
18          a security clearance.

19          “(e) COMPENSATION FOR WORK-RELATED INJU-  
20          RIES.—For purposes of determining the compensation for  
21          work-related injuries payable under chapter 81 of title 5,  
22          United States Code, to an individual providing voluntary  
23          services accepted under subsection (a), the monthly pay  
24          of the individual for such services is deemed to be equal  
25          to the amount determined by multiplying—

1           “(1) the average monthly number of hours that  
2           the individual provided the services, by

3           “(2) the minimum wage determined in accord-  
4           ance with section 6(a)(1) of the Fair Labor Stand-  
5           ards Act of 1938 (29 U.S.C. 206(a)(1)).

6           “(f) REIMBURSEMENT OF INCIDENTAL EXPENSES.—

7           (1) The head of an element of the intelligence community  
8           entity may reimburse an individual for incidental expenses  
9           incurred by the individual in providing voluntary services  
10          accepted under subsection (a). The head of an element of  
11          the intelligence community entity shall determine which  
12          expenses are eligible for reimbursement under this sub-  
13          section.

14          “(2) Reimbursement under paragraph (1) may be  
15          made from appropriated or nonappropriated funds.

16          “(g) AUTHORITY TO INSTALL EQUIPMENT.—(1) The  
17          head of an element of the intelligence community may in-  
18          stall telephone lines and any necessary telecommunication  
19          equipment in the private residences of individuals who pro-  
20          vide voluntary services accepted under subsection (a).

21          “(2) The head of an element of the intelligence com-  
22          munity may pay the charges incurred for the use of equip-  
23          ment installed under paragraph (1) for authorized pur-  
24          poses.

1       “(3) Notwithstanding section 1348 of title 31, United  
 2 States Code, the head of an element of the intelligence  
 3 community entity may use appropriated funds or non-  
 4 appropriated funds of the element in carrying out this sub-  
 5 section.

6                               “REGULATIONS

7       “SEC. 1014. (a) IN GENERAL.—The Secretary of De-  
 8 fense and the Director of Central Intelligence jointly shall  
 9 promulgate regulations necessary to carry out the Foreign  
 10 Languages Program authorized under this subtitle.

11       “(b) ELEMENTS OF THE INTELLIGENCE COMMU-  
 12 NITY.—Each head of an element of an intelligence commu-  
 13 nity entity shall prescribe regulations to carry out sections  
 14 1012 and 1013 with respect to that element including the  
 15 following:

16               “(1) Procedures to be utilized for the accept-  
 17 ance of voluntary services under section 1013.

18               “(2) Procedures and requirements relating to  
 19 the installation of equipment under section 1013(g).

20                               “DEFINITIONS

21       “SEC. 1015. In this subtitle:

22               “(1) The term ‘intelligence community entity’  
 23 means an agency, office, bureau, or element referred  
 24 to in subparagraphs (B) through (K) of section 3(4).

25               “(2) The term ‘educational institution’ means—

1           “(A) a local educational agency (as that  
2           term is defined in section 9101(26) of the Ele-  
3           mentary and Secondary Education Act of 1965  
4           (20 U.S.C. 7801(26))),

5           “(B) an institution of higher education (as  
6           defined in section 102 of the Higher Education  
7           Act of 1965 (20 U.S.C. 1002) other than insti-  
8           tutions referred to in subsection (a)(1)(C) of  
9           such section), or

10          “(C) any other nonprofit institution that  
11          provides instruction of foreign languages in lan-  
12          guages that are critical to the capability of the  
13          intelligence community to carry out national se-  
14          curity activities of the United States.

15          “(3) The term ‘dedicated personnel’ means em-  
16          ployees of the intelligence community and private  
17          citizens (including former civilian employees of the  
18          Federal Government who have been voluntarily sepa-  
19          rated, and members of the United States Armed  
20          Forces who have been honorably discharged or gen-  
21          erally discharged under honorable circumstances,  
22          and rehired on a voluntary basis specifically to per-  
23          form the activities authorized under this subtitle).

1   **“Subtitle C—Additional Education**  
2                   **Provisions**

3           “ASSIGNMENT OF INTELLIGENCE COMMUNITY

4                   PERSONNEL AS LANGUAGE STUDENTS

5           “SEC. 1021. (a) IN GENERAL.—The Director of Cen-  
6   tral Intelligence, acting through the heads of the elements  
7   of the intelligence community, may assign employees of  
8   such elements in analyst positions requiring foreign lan-  
9   guage expertise as students at accredited professional,  
10   technical, or other institutions of higher education for  
11   training at the graduate or undergraduate level in foreign  
12   languages required for the conduct of duties and respon-  
13   sibilities of such positions.

14          “(b) AUTHORITY FOR REIMBURSEMENT OF COSTS  
15   OF TUITION AND TRAINING.—(1) The Director may reim-  
16   burse an employee assigned under subsection (a) for the  
17   total cost of the training described in subsection (a), in-  
18   cluding costs of educational and supplementary reading  
19   materials.

20          “(2) The authority under paragraph (1) shall apply  
21   to employees who are assigned on a full-time or part-time  
22   basis.

23          “(3) Reimbursement under paragraph (1) may be  
24   made from appropriated or nonappropriated funds.



1       “(c) RELATIONSHIP TO COMPENSATION AS AN ANA-  
 2       LYST.—Reimbursement under this section to an employee  
 3       who is an analyst is in addition to any benefits, allow-  
 4       ances, travels, or other compensation the employee is enti-  
 5       tled to by reason of serving in such an analyst position.”.

6       (b) CLERICAL AMENDMENT.—The table of contents  
 7       for the National Security Act of 1947 is amended by strik-  
 8       ing the item relating to section 1001 and inserting the  
 9       following new items:

“Subtitle A—Science and Technology

“Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in  
 science and technology.

“Subtitle B—Foreign Languages Program

“Sec. 1011. Program on advancement of foreign languages critical to the intel-  
 ligence community.

“Sec. 1012. Education partnerships.

“Sec. 1013. Voluntary services.

“Sec. 1014. Regulations.

“Sec. 1015. Definitions.

“Subtitle C—Additional Education Provisions

“Sec. 1021. Assignment of intelligence community personnel as language stu-  
 dents.”.

10   **SEC. 614. PILOT PROJECT FOR CIVILIAN LINGUIST RE-**  
 11       **SERVE CORPS.**

12       (a) PILOT PROJECT.—The Director of Central Intel-  
 13       ligence shall conduct a pilot project to establish a Civilian  
 14       Linguist Reserve Corps comprised of United States citi-  
 15       zens with advanced levels of proficiency in foreign lan-  
 16       guages who would be available upon a call of the President  
 17       to perform such service or duties with respect to such for-

1 eign languages in the Federal Government as the Presi-  
2 dent may specify.

3 (b) CONDUCT OF PROJECT.—Taking into account the  
4 findings and recommendations contained in the report re-  
5 quired under section 325 of the Intelligence Authorization  
6 Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.  
7 2393), in conducting the pilot project under subsection (a)  
8 the Director of Central Intelligence shall—

9 (1) identify several foreign languages that are  
10 critical for the national security of the United  
11 States;

12 (2) identify United States citizens with ad-  
13 vanced levels of proficiency in those foreign lan-  
14 guages who would be available to perform the serv-  
15 ices and duties referred to in subsection (a); and

16 (3) implement a call for the performance of  
17 such services and duties.

18 (c) DURATION OF PROJECT.—The pilot project under  
19 subsection (a) shall be conducted for a three-year period.

20 (d) AUTHORITY TO ENTER INTO CONTRACTS.—The  
21 Director of Central Intelligence may enter into contracts  
22 with appropriate agencies or entities to carry out the pilot  
23 project under subsection (a).

1 (e) REPORTS.—(1) The Director of Central Intel-  
2 ligence shall submit to Congress an initial and a final re-  
3 port on the pilot project conducted under subsection (a).

4 (2) Each report required under paragraph (1) shall  
5 contain information on the operation of the pilot project,  
6 the success of the pilot project in carrying out the objec-  
7 tives of the establishment of a Civilian Linguist Reserve  
8 Corps, and recommendations for the continuation or ex-  
9 pansion of the pilot project.

10 (3) The final report shall be submitted not later than  
11 6 months after the completion of the project.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Director of Cen-  
14 tral Intelligence for each of fiscal years 2005, 2006, and  
15 2007 in order to carry out the pilot project under sub-  
16 section (a) such sums as are specified in the classified  
17 Schedule of Authorizations referred to section 102.

18 **SEC. 615. CODIFICATION OF ESTABLISHMENT OF THE NA-**  
19 **TIONAL VIRTUAL TRANSLATION CENTER.**

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

23 “NATIONAL VIRTUAL TRANSLATION CENTER

24 “SEC. 119. (a) IN GENERAL.—There is an element  
25 of the intelligence community known as the National Vir-

1 tual Translation Center under the direction of the Direc-  
2 tor of Central Intelligence.

3 “(b) FUNCTION.—The National Virtual Translation  
4 Center shall provide for timely and accurate translations  
5 of foreign intelligence for all other elements of the intel-  
6 ligence community.

7 “(c) FACILITATING ACCESS TO TRANSLATIONS.—In  
8 order to minimize the need for a central facility for the  
9 National Virtual Translation Center, the Center shall—

10 “(1) use state-of-the-art communications tech-  
11 nology;

12 “(2) integrate existing translation capabilities  
13 in the intelligence community; and

14 “(3) use remote-connection capacities.

15 “(d) USE OF SECURE FACILITIES.—Personnel of the  
16 National Virtual Translation Center may carry out duties  
17 of the Center at any location that—

18 “(1) has been certified as a secure facility by an  
19 agency or department of the United States; and

20 “(2) the Director of Central Intelligence deter-  
21 mines to be appropriate for such purpose.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 for that Act is amended by inserting after the item relat-  
24 ing to section 118 the following new item:

“Sec. 119. National Virtual Translation Center.”.

1 **SEC. 616. REPORT ON RECRUITMENT AND RETENTION OF**  
2 **QUALIFIED INSTRUCTORS OF THE DEFENSE**  
3 **LANGUAGE INSTITUTE.**

4 (a) STUDY.—The Secretary of Defense shall conduct  
5 a study on methods to improve the recruitment and reten-  
6 tion of qualified foreign language instructors at the For-  
7 eign Language Center of the Defense Language Institute.  
8 In conducting the study, the Secretary shall consider, in  
9 the case of a foreign language instructor who is an alien,  
10 to expeditiously adjust the status of the alien from a tem-  
11 porary status to that of an alien lawfully admitted for per-  
12 manent residence.

13 (b) REPORT.—(1) Not later than one year after the  
14 date of the enactment of this Act, the Secretary of Defense  
15 shall submit to the appropriate congressional committees  
16 a report on the study conducted under subsection (a), and  
17 shall include in that report recommendations for such  
18 changes in legislation and regulation as the Secretary de-  
19 termines to be appropriate.

20 (2) DEFINITION.—In this subsection, the term “ap-  
21 propriate congressional committees” means the following:

22 (A) The Select Committee on Intelligence and  
23 the Committee on Armed Services of the Senate.

24 (B) The Permanent Select Committee on Intel-  
25 ligence and the Committee on Armed Services of the  
26 House of Representatives.

1 **TITLE VII—REFORM OF DES-**  
2 **IGNATION OF FOREIGN TER-**  
3 **RORIST ORGANIZATIONS**

4 **SEC. 701. DESIGNATION OF FOREIGN TERRORIST ORGANI-**  
5 **ZATIONS.**

6 (a) PERIOD OF DESIGNATION.—Section 219(a)(4) of  
7 the Immigration and Nationality Act (8 U.S.C.  
8 1189(a)(4)) is amended—

9 (1) in subparagraph (A)—

10 (A) by striking “Subject to paragraphs (5)  
11 and (6), a” and inserting “A”; and

12 (B) by striking “for a period of 2 years be-  
13 ginning on the effective date of the designation  
14 under paragraph (2)(B)” and inserting “until  
15 revoked under paragraph (5) or (6) or set aside  
16 pursuant to subsection (c)”;

17 (2) by striking subparagraph (B) and inserting  
18 the following:

19 “(B) REVIEW OF DESIGNATION UPON PE-  
20 TITION.—

21 “(i) IN GENERAL.—The Secretary  
22 shall review the designation of a foreign  
23 terrorist organization under the procedures  
24 set forth in clauses (iii) and (iv) if the des-  
25 ignated organization files a petition for

1 revocation within the petition period de-  
2 scribed in clause (ii).

3 “(ii) PETITION PERIOD.—For pur-  
4 poses of clause (i)—

5 “(I) if the designated organiza-  
6 tion has not previously filed a petition  
7 for revocation under this subpara-  
8 graph, the petition period begins 2  
9 years after the date on which the des-  
10 ignation was made; or

11 “(II) if the designated organiza-  
12 tion has previously filed a petition for  
13 revocation under this subparagraph,  
14 the petition period begins 2 years  
15 after the date of the determination  
16 made under clause (iv) on that peti-  
17 tion.

18 “(iii) PROCEDURES.—Any foreign ter-  
19 rorist organization that submits a petition  
20 for revocation under this subparagraph  
21 must provide evidence in that petition that  
22 the relevant circumstances described in  
23 paragraph (1) have changed in such a  
24 manner as to warrant revocation with re-  
25 spect to the organization.

1 “(iv) DETERMINATION.—

2 “(I) IN GENERAL.—Not later  
3 than 180 days after receiving a peti-  
4 tion for revocation submitted under  
5 this subparagraph, the Secretary shall  
6 make a determination as to such rev-  
7 ocation.

8 “(II) CLASSIFIED INFORMA-  
9 TION.—The Secretary may consider  
10 classified information in making a de-  
11 termination in response to a petition  
12 for revocation. Classified information  
13 shall not be subject to disclosure for  
14 such time as it remains classified, ex-  
15 cept that such information may be  
16 disclosed to a court ex parte and in  
17 camera for purposes of judicial review  
18 under subsection (c).

19 “(III) PUBLICATION OF DETER-  
20 MINATION.—A determination made by  
21 the Secretary under this clause shall  
22 be published in the Federal Register.

23 “(IV) PROCEDURES.—Any rev-  
24 ocation by the Secretary shall be



1                   made in accordance with paragraph  
2                   (6).”; and

3           (3) by adding at the end the following:

4                   “(C) OTHER REVIEW OF DESIGNATION.—

5                   “(i) IN GENERAL.—If in a 6-year pe-  
6                   riod no review has taken place under sub-  
7                   paragraph (B), the Secretary shall review  
8                   the designation of the foreign terrorist or-  
9                   ganization in order to determine whether  
10                  such designation should be revoked pursu-  
11                  ant to paragraph (6).

12                  “(ii) PROCEDURES.—If a review does  
13                  not take place pursuant to subparagraph  
14                  (B) in response to a petition for revocation  
15                  that is filed in accordance with that sub-  
16                  paragraph, then the review shall be con-  
17                  ducted pursuant to procedures established  
18                  by the Secretary. The results of such re-  
19                  view and the applicable procedures shall  
20                  not be reviewable in any court.

21                  “(iii) PUBLICATION OF RESULTS OF  
22                  REVIEW.—The Secretary shall publish any  
23                  determination made pursuant to this sub-  
24                  paragraph in the Federal Register.”.

1 (b) ALIASES.—Section 219 of the Immigration and  
2 Nationality Act (8 U.S.C. 1189) is amended—

3 (1) by redesignating subsections (b) and (c) as  
4 subsections (c) and (d), respectively; and

5 (2) by inserting after subsection (a) the fol-  
6 lowing new subsection (b):

7 “(b) AMENDMENTS TO A DESIGNATION.—

8 “(1) IN GENERAL.—The Secretary may amend  
9 a designation under this subsection if the Secretary  
10 finds that the organization has changed its name,  
11 adopted a new alias, dissolved and then reconsti-  
12 tuted itself under a different name or names, or  
13 merged with another organization.

14 “(2) PROCEDURE.—Amendments made to a  
15 designation in accordance with paragraph (1) shall  
16 be effective upon publication in the Federal Register.  
17 Subparagraphs (B) and (C) of subsection (a)(2)  
18 shall apply to an amended designation upon such  
19 publication. Paragraphs (2)(A)(i), (4), (5), (6), (7),  
20 and (8) of subsection (a) shall also apply to an  
21 amended designation.

22 “(3) ADMINISTRATIVE RECORD.—The adminis-  
23 trative record shall be corrected to include the  
24 amendments as well as any additional relevant infor-  
25 mation that supports those amendments.

1           “(4) CLASSIFIED INFORMATION.—The Sec-  
2       retary may consider classified information in amend-  
3       ing a designation in accordance with this subsection.  
4       Classified information shall not be subject to disclo-  
5       sure for such time as it remains classified, except  
6       that such information may be disclosed to a court ex  
7       parte and in camera for purposes of judicial review  
8       under subsection (c).”.

9       (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
10      Section 219 of the Immigration and Nationality Act (8  
11      U.S.C. 1189) is amended—

12           (1) in subsection (a)—

13                (A) in paragraph (3)(B), by striking “sub-  
14                section (b)” and inserting “subsection (c)”;

15                (B) in paragraph (6)(A)—

16                   (i) in the matter preceding clause (i),  
17                   by striking “or a redesignation made under  
18                   paragraph (4)(B)” and inserting “at any  
19                   time, and shall revoke a designation upon  
20                   completion of a review conducted pursuant  
21                   to subparagraphs (B) and (C) of para-  
22                   graph (4)”;

23                   (ii) in clause (i), by striking “or redес-  
24                   ignation”;

1 (C) in paragraph (7), by striking “, or the  
2 revocation of a redesignation under paragraph  
3 (6),”; and

4 (D) in paragraph (8)—

5 (i) by striking “, or if a redesignation  
6 under this subsection has become effective  
7 under paragraph (4)(B),”; and

8 (ii) by striking “or redesignation”;  
9 and

10 (2) in subsection (c), as so redesignated—

11 (A) in paragraph (1), by striking “of the  
12 designation in the Federal Register,” and all  
13 that follows through “review of the designa-  
14 tion” and inserting “in the Federal Register of  
15 a designation, an amended designation, or a de-  
16 termination in response to a petition for revoca-  
17 tion, the designated organization may seek judi-  
18 cial review”;

19 (B) in paragraph (2), by inserting “,  
20 amended designation, or determination in re-  
21 sponse to a petition for revocation” after “des-  
22 ignation”;

23 (C) in paragraph (3), by inserting “,  
24 amended designation, or determination in re-

1           sponse to a petition for revocation” after “des-  
2           ignation”; and

3                   (D) in paragraph (4), by inserting “,  
4           amended designation, or determination in re-  
5           sponse to a petition for revocation” after “des-  
6           ignation” each place that term appears.

7           (d) SAVINGS PROVISION.—For purposes of applying  
8   section 219 of the Immigration and Nationality Act on  
9   or after the date of enactment of this Act, the term “des-  
10   ignation”, as used in that section, includes all redesigna-  
11   tions made pursuant to section 219(a)(4)(B) of the Immi-  
12   gration and Nationality Act (8 U.S.C. 1189(a)(4)(B))  
13   prior to the date of enactment of this Act, and such redes-  
14   ignations shall continue to be effective until revoked as  
15   provided in paragraph (5) or (6) of section 219(a) of the  
16   Immigration and Nationality Act (8 U.S.C. 1189(a)).

17   **SEC. 702. INCLUSION IN ANNUAL DEPARTMENT OF STATE**  
18                   **COUNTRY REPORTS ON TERRORISM OF IN-**  
19                   **FORMATION ON TERRORIST GROUPS THAT**  
20                   **SEEK WEAPONS OF MASS DESTRUCTION AND**  
21                   **GROUPS THAT HAVE BEEN DESIGNATED AS**  
22                   **FOREIGN TERRORIST ORGANIZATIONS.**

23           (a) INCLUSION IN REPORTS.—Section 140 of the  
24   Foreign Relations Authorization Act, Fiscal Years 1988  
25   and 1989 (22 U.S.C. 2656f) is amended—

1 (1) in subsection (a)(2)—

2 (A) by inserting “any terrorist group  
3 known to have obtained or developed, or to have  
4 attempted to obtain or develop, weapons of  
5 mass destruction,” after “during the preceding  
6 five years,”; and

7 (B) by inserting “any group designated by  
8 the Secretary as a foreign terrorist organization  
9 under section 219 of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1189),” after “Export  
11 Administration Act of 1979,”;

12 (2) in subsection (b)(1)(C)(iii), by striking  
13 “and” at the end;

14 (3) in subsection (b)(1)(C)—

15 (A) by redesignating clause (iv) as clause  
16 (v); and

17 (B) by inserting after clause (iii) the fol-  
18 lowing new clause:

19 “(iv) providing weapons of mass de-  
20 struction, or assistance in obtaining or de-  
21 veloping such weapons, to terrorists or ter-  
22 rorist groups; and”; and

23 (4) in subsection (b)(2)—

1 (A) by redesignating subparagraphs (C),  
2 (D), and (E) as (D), (E), and (F), respectively;  
3 and

4 (B) by inserting after subparagraph (B)  
5 the following new subparagraph:

6 “(C) efforts by those groups to obtain or  
7 develop weapons of mass destruction;”.

8 (b) EFFECTIVE DATE.—The amendments made by  
9 subsection (a) shall apply beginning with the first report  
10 under section 140 of the Foreign Relations Authorization  
11 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), sub-  
12 mitted more than one year after the date of the enactment  
13 of this Act.

Passed the House of Representatives June 23, 2004.

Attest: JEFF TRANDAHL,  
*Clerk.*