

EXCERPTS from

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

H.R.1

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

Sponsor: Rep Thompson, Bennie G. [MS-2] (introduced 1/5/2007) Cosponsors (205)

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All Information (except text)	Text of Legislation	CRS Summary	Major Congressional Actions
Titles	Cosponsors (205)	Committees	All Congressional Actions
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SUBTITLE B--VISA WAIVER

SEC. 711. MODERNIZATION OF THE VISA WAIVER PROGRAM.

(a) Short Title- This section may be cited as the `Secure Travel and Counterterrorism Partnership Act of 2007'.

(b) Sense of Congress- It is the sense of Congress that--

(1) the United States should modernize and strengthen the security of the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by simultaneously--

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are partners in the war on terrorism--

(i) that are actively cooperating with the United States to prevent terrorist travel, including sharing counterterrorism and law enforcement information; and

(ii) whose nationals have demonstrated their compliance with the provisions of the Immigration and Nationality Act regarding the purpose and duration of their admission to the United States; and

(2) the modernization described in paragraph (1) will--

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) Discretionary Visa Waiver Program Expansion- Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following new paragraphs:

“(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY-

“(A) CERTIFICATION-

“(i) IN GENERAL- On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who exit through airports of the United States and the electronic travel authorization system required under subsection (h)(3) is fully operational, the Secretary of Homeland Security shall certify to Congress that such air exit system and electronic travel authorization system are in place.

“(ii) NOTIFICATION TO CONGRESS- The Secretary shall notify Congress in writing of the date on which the air exit system under clause (i) fully satisfies the biometric requirements specified in subsection (i).

“(iii) TEMPORARY SUSPENSION OF WAIVER AUTHORITY- Notwithstanding any certification made under clause (i), if the Secretary has not notified Congress in accordance with clause (ii) by June 30, 2009, the Secretary's waiver authority under subparagraph (B) shall be suspended beginning on July 1, 2009, until such time as the Secretary makes such notification.

“(iv) RULE OF CONSTRUCTION- Nothing in this paragraph shall be construed as in any way abrogating the reporting requirements under subsection (i)(3).

“(B) WAIVER- After certification by the Secretary under subparagraph (A), the Secretary, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if--

“(i) the country meets all security requirements of this section;

“(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's

participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

`(iii) there has been a sustained reduction in the rate of refusals for nonimmigrant visas for nationals of the country and conditions exist to continue such reduction;

`(iv) the country cooperated with the Government of the United States on counterterrorism initiatives, information sharing, and preventing terrorist travel before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State determine that such cooperation will continue; and

`(v)(I) the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than ten percent; or

`(II) the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once such rate is established under subparagraph (C).

`(C) MAXIMUM VISA OVERSTAY RATE-

`(i) REQUIREMENT TO ESTABLISH- After certification by the Secretary under subparagraph (A), the Secretary and the Secretary of State jointly shall use information from the air exit system referred to in such subparagraph to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B). The Secretary of Homeland Security shall certify to Congress that such rate would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States.

`(ii) VISA OVERSTAY RATE DEFINED- In this paragraph the term `visa overstay rate' means, with respect to a country, the ratio of--

`(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa whose periods of authorized stays ended during a fiscal year but who remained unlawfully in the United States beyond such periods; to

`(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa during that fiscal year.

`(iii) REPORT AND PUBLICATION- The Secretary of Homeland Security shall on the same date submit to

Congress and publish in the Federal Register information relating to the maximum visa overstay rate established under clause (i). Not later than 60 days after such date, the Secretary shall issue a final maximum visa overstay rate above which a country may not participate in the program.

`(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS-
In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including--

`(A) airport security standards in the country;

`(B) whether the country assists in the operation of an effective air marshal program;

`(C) the standards of passports and travel documents issued by the country; and

`(D) other security-related factors, including the country's cooperation with the United States' initiatives toward combating terrorism and the country's cooperation with the United States intelligence community in sharing information regarding terrorist threats.'

(d) Security Enhancements to the Visa Waiver Program-

(1) IN GENERAL- *Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended--*

(A) in subsection (a), in the flush text following paragraph (9)--

(i) by striking 'Operators of aircraft' and inserting the following:

`(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION- *Operators of aircraft'; and*

(ii) by adding at the end the following new paragraph:

`(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM- *Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission to the United States, electronically provide to the system biographical information and such other information as the Secretary of Homeland Security shall determine necessary to determine the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.'*

(B) in subsection (c)--

(i) in paragraph (2)--

(I) by amending subparagraph (D) to read as follows:

`(D) REPORTING LOST AND STOLEN PASSPORTS- The government of the country enters into an agreement with the United States to report, or make available through Interpol or other means as designated by the Secretary of Homeland Security, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement.'; and

(II) by adding at the end the following new subparagraphs:

`(E) REPATRIATION OF ALIENS- The government of the country accepts for repatriation any citizen, former citizen, or national of the country against whom a final executable order of removal is issued not later than three weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

`(F) PASSENGER INFORMATION EXCHANGE- The government of the country enters into an agreement with the United States to share information regarding whether citizens and nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.';

(ii) in paragraph (5)--

(I) by striking 'Attorney General' each place it appears and inserting 'Secretary of Homeland Security'; and

(II) in subparagraph (A)(i)--

(aa) in subclause (II), by striking 'and' at the end;

(bb) in subclause (III)--

(AA) by striking 'and the Committee on International Relations' and inserting ', the Committee on Foreign Affairs, and the Committee on Homeland Security,' and by striking 'and the Committee on Foreign Relations' and inserting ', the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs'; and

(BB) by striking the period at the end and inserting '; and'; and

(cc) by adding at the end the following new subclause:

*`(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8).'; and
(III) in subparagraph (B), by adding at the end the following new clause:*

`(iv) PROGRAM SUSPENSION AUTHORITY- The Director of National Intelligence shall immediately inform the Secretary of Homeland Security of any current and credible threat which poses an imminent danger to the United States or its citizens and originates from a country participating in the visa waiver program. Upon receiving such notification, the Secretary, in consultation with the Secretary of State--

`(I) may suspend a country from the visa waiver program without prior notice;

`(II) shall notify any country suspended under subclause (I) and, to the extent practicable without disclosing sensitive intelligence sources and methods, provide justification for the suspension; and

`(III) shall restore the suspended country's participation in the visa waiver program upon a determination that the threat no longer poses an imminent danger to the United States or its citizens.'; and

(iii) by adding at the end the following new paragraphs:

`(10) TECHNICAL ASSISTANCE- The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section. The Secretary of Homeland Security shall ensure that the program office within the Department of Homeland Security is adequately staffed and has resources to be able to provide such technical assistance, in addition to its duties to effectively monitor compliance of the countries participating in the program with all the requirements of the program.

`(11) INDEPENDENT REVIEW-

`(A) IN GENERAL- Prior to the admission of a new country into the program under this section, and in conjunction with the periodic evaluations required under subsection (c)(5)(A), the Director of National Intelligence shall conduct an independent intelligence assessment of a nominated country and member of the program.

`(B) REPORTING REQUIREMENT- The Director shall provide to the Secretary of Homeland Security, the Secretary of State, and the Attorney General the independent intelligence assessment required under subparagraph (A).

`(C) CONTENTS- The independent intelligence assessment conducted by the Director shall include--

`(i) a review of all current, credible terrorist threats of the subject country;

`(ii) an evaluation of the subject country's counterterrorism efforts;

`(iii) an evaluation as to the extent of the country's sharing of information beneficial to suppressing terrorist movements, financing, or actions;

`(iv) an assessment of the risks associated with including the subject country in the program; and

`(v) recommendations to mitigate the risks identified in clause (iv).';

(C) in subsection (d)--

(i) by striking 'Attorney General' and inserting 'Secretary of Homeland Security'; and

(ii) by adding at the end the following new sentence: 'The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies, with respect to the House of Representatives, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Appropriations, and with respect to the Senate, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Appropriations not later than 30 days before the effective date of such waiver.';

(D) in subsection (f)(5)--

(i) by striking 'Attorney General' each place it appears and inserting 'Secretary of Homeland Security'; and

(ii) by striking 'of blank' and inserting 'or loss of';

(E) in subsection (h), by adding at the end the following new paragraph:

`(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM-

`(A) SYSTEM- The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such biographical and other information as the Secretary of Homeland Security determines necessary to determine, in advance of travel, the eligibility of, and whether there exists a law

enforcement or security risk in permitting, the alien to travel to the United States.

`(B) FEES- The Secretary of Homeland Security may charge a fee for the use of the System, which shall be--

`(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and

`(ii) available to pay the costs incurred to administer the System.

`(C) VALIDITY-

`(i) PERIOD- The Secretary of Homeland Security, in consultation with the Secretary of State, shall prescribe regulations that provide for a period, not to exceed three years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.

`(ii) LIMITATION- A determination by the Secretary of Homeland Security that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.

`(iii) NOT A DETERMINATION OF VISA ELIGIBILITY- A determination by the Secretary of Homeland Security that an alien who applied for authorization to travel to the United States through the System is not eligible to travel under the program is not a determination of eligibility for a visa to travel to the United States and shall not preclude the alien from applying for a visa.

`(iv) JUDICIAL REVIEW- Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.

`(D) REPORT- Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the system to--

`(i) the Committee on Homeland Security of the House of Representatives;

`(ii) the Committee on the Judiciary of the House of Representatives;

`(iii) the Committee on Foreign Affairs of the House of Representatives;

`(iv) the Permanent Select Committee on Intelligence of the House of Representatives;

`(v) the Committee on Appropriations of the House of Representatives;

*`(vi) the Committee on Homeland Security and Governmental Affairs of the Senate;
` (vii) the Committee on the Judiciary of the Senate;
` (viii) the Committee on Foreign Relations of the Senate;
` (ix) the Select Committee on Intelligence of the Senate;
and*

*` (x) the Committee on Appropriations of the Senate.'; and
(F) by adding at the end the following new subsection:*

` (i) Exit System-

` (1) IN GENERAL- Not later than one year after the date of the enactment of this subsection, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under this section.

` (2) SYSTEM REQUIREMENTS- The system established under paragraph (1) shall--

` (A) match biometric information of the alien against relevant watch lists and immigration information; and

` (B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such aliens have departed the United States.

` (3) REPORT- Not later than 180 days after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that describes--

` (A) the progress made in developing and deploying the exit system established under this subsection; and

` (B) the procedures by which the Secretary shall improve the method of calculating the rates of nonimmigrants who overstay their authorized period of stay in the United States.'.

(2) EFFECTIVE DATE- Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii), shall take effect on the date that is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section and the amendments made by this section.

(...)

SEC. 721. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) In General- Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended--

(1) in subsection (c)(1), by striking 'address' and inserting 'integrate and disseminate intelligence and information related to';

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

`(d) Director- The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

`(e) Staffing of the Center-

`(1) IN GENERAL- The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

`(A) Agencies and offices within the Department of Homeland Security, including the following:

`(i) The Office of Intelligence and Analysis.

`(ii) The Transportation Security Administration.

`(iii) United States Citizenship and Immigration Services.

`(iv) United States Customs and Border Protection.

`(v) The United States Coast Guard.

`(vi) United States Immigration and Customs Enforcement.

`(B) Other departments, agencies, or entities, including the following:

`(i) The Central Intelligence Agency.

`(ii) The Department of Defense.

`(iii) The Department of the Treasury.

`(iv) The National Counterterrorism Center.

`(v) The National Security Agency.

`(vi) The Department of Justice.

`(vii) The Department of State.

`(viii) Any other relevant agency or department.

`(2) EXPERTISE OF DETAILEES- The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity referred to in paragraph (1), shall ensure that the detailees provided to the Center under such paragraph include an adequate number of personnel who are--

`(A) intelligence analysts or special agents with demonstrated experience related to human smuggling, trafficking in persons, or terrorist travel; and

`(B) personnel with experience in the areas of--

`(i) consular affairs;

`(ii) counterterrorism;

`(iii) criminal law enforcement;

`(iv) intelligence analysis;

- `(v) *prevention and detection of document fraud;*
- `(vi) *border inspection;*
- `(vii) *immigration enforcement; or*
- `(viii) *human trafficking and combating severe forms of trafficking in persons.*

`(3) *ENHANCED PERSONNEL MANAGEMENT-*

`(A) *INCENTIVES FOR SERVICE IN CERTAIN POSITIONS-*

`(i) *IN GENERAL-* *The Secretary of Homeland Security, and the heads of other relevant agencies, shall prescribe regulations or promulgate personnel policies to provide incentives for service on the staff of the Center, particularly for serving terms of at least two years duration.*

`(ii) *FORMS OF INCENTIVES-* *Incentives under clause (i) may include financial incentives, bonuses, and such other awards and incentives as the Secretary and the heads of other relevant agencies, consider appropriate.*

`(B) *ENHANCED PROMOTION FOR SERVICE AT THE CENTER-* *Notwithstanding any other provision of law, the Secretary of Homeland Security, and the heads of other relevant agencies, shall ensure that personnel who are assigned or detailed to service at the Center shall be considered for promotion at rates equivalent to or better than similarly situated personnel of such agencies who are not so assigned or detailed, except that this subparagraph shall not apply in the case of personnel who are subject to the provisions of the Foreign Service Act of 1980.*

`(f) *Administrative Support and Funding-* *The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.'*

(b) *Report-* *Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as redesignated by subsection (a)(2), is amended to read as follows:*

`(g) Report-

`(1) INITIAL REPORT- *Not later than 180 days after December 17, 2004, the President shall transmit to Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.*

`(2) FOLLOW-UP REPORT- *Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of--*

`(A) the roles and responsibilities of each agency or department that is participating in the Center;
`(B) the mechanisms used to share information among each such agency or department;
`(C) the personnel provided to the Center by each such agency or department;
`(D) the type of information and reports being disseminated by the Center;
`(E) any efforts by the Center to create a centralized Federal Government database to store information related to unlawful travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared;
`(F) how each agency and department shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;
`(G) efforts to consolidate networked systems for the Center;
`(H) the mechanisms for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b);
`(I) the ability of participating personnel in the Center to freely access necessary databases and share information regarding issues related to human smuggling, trafficking in persons, and terrorist travel;
`(J) how the assignment of personnel to the Center is incorporated into the civil service career path of such personnel; and
`(K) cooperation and coordination efforts, including any memorandums of understanding, among participating agencies and departments regarding issues related to human smuggling, trafficking in persons, and terrorist travel.'

(c) Coordination With the Office of Intelligence and Analysis- Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding after subsection (h), as redesignated by subsection (a)(2), the following new subsection:

`(i) Coordination With the Office of Intelligence and Analysis- The Office of Intelligence and Analysis, in coordination with the Center, shall submit to relevant State, local, and tribal law enforcement agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.'

(d) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of Homeland Security \$20,000,000 for fiscal year 2008 to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by this section.

SEC. 722. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

`SEC. 7215. TERRORIST TRAVEL PROGRAM.

`(a) Requirement To Establish- Not later than 90 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

`(b) Head of the Program- The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be--

`(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

`(2) an official appointed by the Secretary who reports directly to the Secretary.

`(c) Duties- The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by--

`(1) developing relevant strategies and policies;

`(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

`(3) making recommendations on budget requests and on the allocation of funding and personnel;

`(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel--

`(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including--

`(i) United States Customs and Border Protection;

`(ii) United States Immigration and Customs Enforcement;

`(iii) United States Citizenship and Immigration Services;

`(iv) the Transportation Security Administration; and

`(v) the United States Coast Guard; and

`(B) between the Department of Homeland Security and other appropriate Federal agencies; and

`(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

`(d) Report- Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.'

(...)

SEC. 724. WESTERN HEMISPHERE TRAVEL INITIATIVE.

Before the Secretary of Homeland Security publishes a final rule in the Federal Register implementing section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note)--

(1) the Secretary of Homeland Security shall complete a cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under such section 7209; and

(2) the Secretary of State shall develop proposals for reducing the execution fee charged for the passport card, proposed at 71 Fed. Reg. 60928-32 (October 17, 2006), including the use of mobile application teams, during implementation of the land and sea phase of the Western Hemisphere Travel Initiative, in order to encourage United States citizens to apply for the passport card.

SEC. 725. MODEL PORTS-OF-ENTRY.

(a) In General- The Secretary of Homeland Security shall--

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

(b) Program Elements- The program shall include--

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) Additional Customs and Border Protection Officers for High-Volume Ports- Subject to the availability of appropriations, not later than the end of fiscal year

2008 the Secretary of Homeland Security shall employ not fewer than an additional 200 Customs and Border Protection officers over the number of such positions for which funds were appropriated for the proceeding fiscal year to address staff shortages at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

(...)

`SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

`(a) In General- There is established as an independent agency within the executive branch a Privacy and Civil Liberties Oversight Board (referred to in this section as the `Board').

`(b) Findings- Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

`(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

`(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

`(3) The National Commission on Terrorist Attacks Upon the United States correctly concluded that `The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.'

`(c) Purpose- The Board shall--

`(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

`(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

`(d) Functions-

`(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION- The Board shall--

`(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

`(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation

from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;
`(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and
`(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established--

`(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

`(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

`(iii) that there are adequate guidelines and oversight to properly confine its use.

`(2) OVERSIGHT- The Board shall continually review--

`(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected;

`(B) the information sharing practices of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

`(C) other actions by the executive branch relating to efforts to protect the Nation from terrorism to determine whether such actions--

`(i) appropriately protect privacy and civil liberties; and

`(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

`(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS- The Board shall--

`(A) receive and review reports and other information from privacy officers and civil liberties officers under section 1062;

`(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

`(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

`(4) TESTIMONY- The members of the Board shall appear and testify before Congress upon request.

`(e) Reports-

`(1) IN GENERAL- The Board shall--

`(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

`(B) periodically submit, not less than semiannually, reports--

`(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

`(II) to the President; and

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

`(2) CONTENTS- Not less than 2 reports submitted each year under paragraph (1)(B) shall include--

`(A) a description of the major activities of the Board during the preceding period;

`(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

`(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

`(D) each proposal reviewed by the Board under subsection (d)(1) that--

`(i) the Board advised against implementation; and

`(ii) notwithstanding such advice, actions were taken to implement; and

`(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

`(f) Informing the Public- The Board shall--

`(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

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

“(g) Access to Information-

“(1) AUTHORIZATION- If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to--

“(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

“(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element;

“(C) request information or assistance from any State, tribal, or local government; and

“(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

“(2) REVIEW OF SUBPOENA REQUEST-

“(A) IN GENERAL- Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall--

“(i) issue the subpoena as requested; or

“(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

“(B) NOTIFICATION- If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

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

“(4) AGENCY COOPERATION- Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

(...)

SEC. 804. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.

(a) Short Title- This section may be cited as the ‘Federal Agency Data Mining Reporting Act of 2007’.

(b) Definitions- In this section:

(1) DATA MINING- The term ‘data mining’ means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where--

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely--

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE- The term ‘database’ does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) Reports on Data Mining Activities by Federal Agencies-

(1) REQUIREMENT FOR REPORT- The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made

available to the public, except for an annex described in subparagraph (C).

(2) CONTENT OF REPORT- *Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:*

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to--

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(3) ANNEX-

(A) IN GENERAL- *A report under subparagraph (A) shall include in an annex any necessary--*

(i) classified information;

(ii) law enforcement sensitive information;

(iii) proprietary business information; or

(iv) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(B) AVAILABILITY- *Any annex described in clause (i)--*
(i) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and
(ii) shall not be made available to the public.

(4) TIME FOR REPORT- *Each report required under subparagraph (A) shall be--*

(A) submitted not later than 180 days after the date of enactment of this Act; and
(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

(...)

SEC. 1206. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.

(a) Immunity for Reports of Suspected Terrorist Activity or Suspicious Behavior-

(1) IN GENERAL- *Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.*

(2) FALSE REPORTS- *Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that person made that report.*

(b) Immunity for Response-

(1) IN GENERAL- *Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by subsection (d)(1)(A) not entitled to assert the defense of qualified immunity shall nevertheless be immune from civil liability under Federal, State, and local law if such*

authorized official takes reasonable action, in good faith, to respond to the reported activity.

(2) SAVINGS CLAUSE- Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) Attorney Fees and Costs- Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) Definitions- In this section:

(1) AUTHORIZED OFFICIAL- The term `authorized official' means--

(A) any employee or agent of a passenger transportation system or other person with responsibilities relating to the security of such systems;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice with responsibilities relating to the security of passenger transportation systems; or

(C) any Federal, State, or local law enforcement officer.

(2) COVERED ACTIVITY- The term `covered activity' means any suspicious transaction, activity, or occurrence that involves, or is directed against, a passenger transportation system or vehicle or its passengers indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to--

(A) a threat to a passenger transportation system or passenger safety or security; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(3) PASSENGER TRANSPORTATION- The term `passenger transportation' means--

(A) public transportation, as defined in section 5302 of title 49, United States Code;

(B) over-the-road bus transportation, as defined in title XV of this Act, and school bus transportation;

(C) intercity passenger rail transportation as defined in section 24102 of title 49, United States Code;

(D) the transportation of passengers onboard a passenger vessel as defined in section 2101 of title 46, United States Code;

(E) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(F) air transportation, as defined in section 40102 of title 49, United States Code, of passengers.

(4) PASSENGER TRANSPORTATION SYSTEM- The term `passenger transportation system' means an entity or entities organized to provide passenger transportation using vehicles, including the infrastructure used to provide such transportation.

(5) *VEHICLE*- The term `vehicle' has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) *Effective Date*- This section shall take effect on October 1, 2006, and shall apply to all activities and claims occurring on or after such date.

(...)

SEC. 1310. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out this title and titles XII, XIV, and XV are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107-71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; The Homeland Security Act of 2002; The National Response Plan; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004 and any and all subsequent annexes to this Memorandum of Understanding; and any other relevant agreements between the two Departments.

TITLE XIV--PUBLIC TRANSPORTATION SECURITY

SEC. 1401. SHORT TITLE.

This title may be cited as the `National Transit Systems Security Act of 2007'.

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Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004 and any and all subsequent annexes to this Memorandum of Understanding; and any other relevant agreements between the two Departments.

TITLE XIV--PUBLIC TRANSPORTATION SECURITY

SEC. 1401. SHORT TITLE.

This title may be cited as the 'National Transit Systems Security Act of 2007'.
(...)

SEC. 1409. PUBLIC TRANSPORTATION RESEARCH AND DEVELOPMENT.

(a) Establishment of Research and Development Program- The Secretary shall carry out a research and development program through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Transportation Security Administration and with the Federal Transit Administration, for the purpose of improving the security of public transportation systems.

(b) Grants and Contracts Authorized- The Secretary shall award grants or contracts to public or private entities to conduct research and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(c) Use of Funds- Grants or contracts awarded under subsection (a)--

(1) shall be coordinated with activities of the Homeland Security Advanced Research Projects Agency; and

(2) may be used to--

(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(B) research imaging technologies;

(C) conduct product evaluations and testing;

(D) improve security and redundancy for critical communications, electrical power, and computer and train control systems;

(E) develop technologies for securing tunnels, transit bridges and aerial structures;

(F) research technologies that mitigate damages in the event of a cyber attack; and

(G) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(d) Privacy and Civil Rights and Civil Liberties Issues-

(1) CONSULTATION- In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, as appropriate, and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(2) PRIVACY IMPACT ASSESSMENTS- In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall

conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section.

(e) Reporting Requirement- Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section to ensure that the awards made are expended in accordance with the purposes of this title and the priorities developed by the Secretary.

(...)

SEC. 1411. THREAT ASSESSMENTS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all public transportation frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG-2006-24189 (71 Fed. Reg. 25066 (April 8, 2006)).

(...)

SEC. 1602. SCREENING OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) In General- Section 44901 of title 49, United States Code, is amended--

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and
(2) by inserting after subsection (f) the following:

`(g) Air Cargo on Passenger Aircraft-

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

`(2) MINIMUM STANDARDS- The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage as follows:

`(A) 50 percent of such cargo is so screened not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.

`(B) 100 percent of such cargo is so screened not later than 3 years after such date of enactment.

`(3) REGULATIONS-

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

`(B) FINAL RULE-

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

`(ii) FAILURE TO ACT- If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the one-year period referred to in clause (i), the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a report explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Committees containing updated information every 30 days thereafter until the final rule is issued.

`(iii) SUPERCEDING OF INTERIM FINAL RULE- The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

`(4) REPORT- Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall submit to the Committees referred to in paragraph (3)(B)(ii) a report that describes the system.

`(5) SCREENING DEFINED- In this subsection the term 'screening' means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.'

(b) Assessment of Exemptions-

(1) TSA ASSESSMENT-

(A) IN GENERAL- Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report containing an assessment of each exemption granted under section 44901(i)(1) of title 49, United States Code, for the

screening required by such section for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption.

(B) CONTENTS- The report under subparagraph (A) shall include--

(i) the rationale for each exemption;

(ii) what percentage of cargo is not screened in accordance with section 44901(g) of title 49, United States Code;

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

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

(v) plans and rationale for maintaining, changing, or eliminating each exemption.

(C) FORMAT- The Secretary may submit the report under subparagraph (A) in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(2) GAO ASSESSMENT- Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption under section 44901(i)(1) of title 49, United States Code.

SEC. 1603. IN-LINE BAGGAGE SCREENING.

(a) Extension of Authorization- Section 44923(i)(1) of title 49, United States Code, is amended by striking `2007.' and inserting `2007, and \$450,000,000 for each of fiscal years 2008 through 2011'.

(b) Submission of Cost-Sharing Study and Plan- Not later than 60 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary's analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.

SEC. 1604. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.

(a) In General- Section 44923 of title 49, United States Code, is amended--

(1) in subsection (a) by striking `may make' and inserting `shall make';

(2) in subsection (d)(1) by striking `may' and inserting `shall';

(3) in subsection (h)(1) by striking `2007' and inserting `2028';

(4) in subsection (h) by striking paragraphs (2) and (3) and inserting the following:

`(2) ALLOCATION- Of the amount made available under paragraph (1) for a fiscal year, not less than \$200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

`(3) DISCRETIONARY GRANTS- Of the amount made available under paragraph (1) for a fiscal year, up to \$50,000,000 shall be used to make discretionary grants,

including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.';

(5) by redesignating subsection (i) as subsection (j); and

(6) by inserting after subsection (h) the following:

`(i) Leveraged Funding- For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.'.

(b) Prioritization of Projects-

(1) IN GENERAL- The Administrator of the Transportation Security Administration shall establish a prioritization schedule for airport security improvement projects described in section 44923 of title 49, United States Code, based on risk and other relevant factors, to be funded under that section. The schedule shall include both hub airports referred to in paragraphs (29), (31), and (42) of section 40102 of such title and nonhub airports (as defined in section 47102(13) of such title).

(2) AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS- The schedule shall include airports that have incurred eligible costs associated with development of partial or completed in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.

(3) REPORT- Not later than 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.

SEC. 1605. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

(a) In General- Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a plan that--

(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

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

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

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

(b) GAO Assessment- Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Commerce,

Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that--

(1) describes the progress made by the Transportation Security Administration in implementing the secure flight passenger pre-screening program;

(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by United States Customs and Border Protection;

(4) provides a realistic determination of when the system will be completed; and

(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.

SEC. 1606. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) In General- Subchapter I of chapter 449 of title 49, United States Code is amended by adding at the end the following:

`Sec. 44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight

`(a) In General- The Secretary of Homeland Security shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, United States Customs and Border Protection, or any other office or component of the Department of Homeland Security.

`(b) Office of Appeals and Redress-

`(1) ESTABLISHMENT- The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, United States Customs and Border Protection, and such other offices and components of the Department as the Secretary determines appropriate.

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

`(3) INFORMATION- To prevent repeated delays of an misidentified passenger or other individual, the Office shall--

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

`(B) furnish to the Transportation Security Administration, United States Customs and Border Protection, or any other appropriate office or component of the Department, upon request, such information as may be necessary to allow such office or component

to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and

`(C) require air carriers and foreign air carriers take action to identify passengers determined, under the process established under subsection (a), to have been wrongly identified.

`(4) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION- The Secretary, in conjunction with the Chief Privacy Officer of the Department shall--

`(A) require that Federal employees of the Department handling personally identifiable information of passengers (in this paragraph referred to as `PII') complete mandatory privacy and security training prior to being authorized to handle PII;

`(B) ensure that the records maintained under this subsection are secured by encryption, one-way hashing, other data anonymization techniques, or such other equivalent security technical protections as the Secretary determines necessary;

`(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve a redress request;

`(D) require that the data generated under this subsection shall be shared or transferred via a secure data network, that has been audited to ensure that the anti-hacking and other security related software functions properly and is updated as necessary;

`(E) ensure that any employee of the Department receiving the data contained within the records handles the information in accordance with the section 552a of title 5, United States Code, and the Federal Information Security Management Act of 2002 (Public Law 107-296);

`(F) only retain the data for as long as needed to assist the individual traveler in the redress process; and

`(G) conduct and publish a privacy impact assessment of the process described within this subsection and transmit the assessment to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Homeland Security and Governmental Affairs of the Senate.

`(5) INITIATION OF REDRESS PROCESS AT AIRPORTS- The Office shall establish at each airport at which the Department has a significant presence a process to provide information to air carrier passengers to begin the redress process established pursuant to subsection (a).'

(b) Clerical Amendment- The analysis for such chapter is amended by inserting after the item relating to section 44925 the following:

`44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.'

SEC. 1607. STRENGTHENING EXPLOSIVES DETECTION AT PASSENGER SCREENING CHECKPOINTS.

(a) In General- Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall issue the strategic plan the Secretary was required by section 44925(b) of title 49, United States Code, to have issued within 90

days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458).

(b) Deployment- Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:

`(3) IMPLEMENTATION- The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.'

SEC. 1608. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.

Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note; 115 Stat. 637) is amended--

(1) by striking `2002 through 2006' and inserting `2006 through 2011';

(2) by striking `aviation' and inserting `transportation'; and

(3) by striking `2002 and 2003' and inserting `2006 through 2011'.

SEC. 1609. BLAST-RESISTANT CARGO CONTAINERS.

Section 44901 of title 49, United States Code, as amended by section 1602, is further amended by adding at the end the following:

`(j) Blast-Resistant Cargo Containers-

`(1) IN GENERAL- Before January 1, 2008, the Administrator of the Transportation Security Administration shall--

`(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before the date of enactment of this subsection; and

`(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.

`(2) ACQUISITION, MAINTENANCE, AND REPLACEMENT- Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall--

`(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;

`(B) pay for the program; and

`(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).

`(3) DISTRIBUTION TO AIR CARRIERS- The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.'

SEC. 1610. PROTECTION OF PASSENGER PLANES FROM EXPLOSIVES.

(a) Technology Research and Pilot Projects-

(1) RESEARCH AND DEVELOPMENT- The Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall expedite research and development programs for technologies that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from

damaging a passenger plane while in flight or on the ground. The research shall be used in support of implementation of section 44901 of title 49, United States Code.

(2) PILOT PROJECTS- The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects--

(A) to deploy technologies described in paragraph (1); and

(B) to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

(b) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

(...)

SEC. 1617. GENERAL AVIATION SECURITY.

Section 44901 of title 49, United States Code, as amended by sections 1602 and 1609, is further amended by adding at the end the following:

`(k) General Aviation Airport Security Program-

`(1) IN GENERAL- Not later than one year after the date of enactment of this subsection, the Administrator of the Transportation Security Administration shall--

`(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m)); and

`(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.

`(2) GRANT PROGRAM- Not later than 6 months after the date of enactment of this subsection, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m)) for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

`(3) APPLICATION TO GENERAL AVIATION AIRCRAFT- Not later than 180 days after the date of enactment of this subsection, the Administrator shall develop a risk-based system under which--

`(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and

`(B) such information is checked against appropriate databases.

`(4) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).'

SEC. 1618. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking `and 2006' and inserting `2007, 2008, 2009, 2010, and 2011'.

TITLE XVII--MARITIME CARGO

SEC. 1701. CONTAINER SCANNING AND SEALS.

(a) Container Scanning- Section 232(b) of the SAFE Ports Act (6 U.S.C. 982(b)) is amended to read as follows:

`(b) Full-Scale Implementation-

`(1) IN GENERAL- A container that was loaded on a vessel in a foreign port shall not enter the United States (either directly or via a foreign port) unless the container was scanned by nonintrusive imaging equipment and radiation detection equipment at a foreign port before it was loaded on a vessel.

`(2) APPLICATION- Paragraph (1) shall apply with respect to containers loaded on a vessel in a foreign country on or after the earlier of--

`(A) July 1, 2012; or

`(B) such other date as may be established by the Secretary under paragraph (3).

`(3) ESTABLISHMENT OF EARLIER DEADLINE- The Secretary shall establish a date under (2)(B) pursuant to the lessons learned through the pilot integrated scanning systems established under section 231.

`(4) EXTENSIONS- The Secretary may extend the date specified in paragraph (2)(A) or (2)(B) for 2 years, and may renew the extension in additional 2-year increments, for containers loaded in a port or ports, if the Secretary certifies to Congress that at least two of the following conditions exist:

`(A) Systems to scan containers in accordance with paragraph (1) are not available for purchase and installation.

`(B) Systems to scan containers in accordance with paragraph (1) do not have a sufficiently low false alarm rate for use in the supply chain.

`(C) Systems to scan containers in accordance with paragraph (1) cannot be purchased, deployed, or operated at ports overseas, including, if applicable, because a port does not have the physical characteristics to install such a system.

`(D) Systems to scan containers in accordance with paragraph (1) cannot be integrated, as necessary, with existing systems.

`(E) Use of systems that are available to scan containers in accordance with paragraph (1) will significantly impact trade capacity and the flow of cargo.

`(F) Systems to scan containers in accordance with paragraph (1) do not adequately provide an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

`(5) EXEMPTION FOR MILITARY CARGO- Notwithstanding any other provision in the section, supplies bought by the Secretary of Defense and transported in compliance section 2631 of title 10, United States Code, and military cargo of foreign countries are exempt from the requirements of this section.

`(6) REPORT ON EXTENSIONS- An extension under paragraph (4) for a port or ports shall take effect upon the expiration of the 60-day period beginning on the date the Secretary provides a report to Congress that--

`(A) states what container traffic will be affected by the extension;

`(B) provides supporting evidence to support the Secretary's certification of the basis for the extension; and

`(C) explains what measures the Secretary is taking to ensure that scanning can be implemented as early as possible at the port or ports that are the subject of the report.

`(7) REPORT ON RENEWAL OF EXTENSION- If an extension under paragraph (4) takes effect, the Secretary shall, after one year, submit a report to Congress on whether the Secretary expects to seek to renew the extension.

`(8) SCANNING TECHNOLOGY STANDARDS- In implementing paragraph (1), the Secretary shall--

`(A) establish technological and operational standards for systems to scan containers;

`(B) ensure that the standards are consistent with the global nuclear detection architecture developed under the Homeland Security Act of 2002; and

`(C) coordinate with other Federal agencies that administer scanning or detection programs at foreign ports.

`(9) INTERNATIONAL TRADE AND OTHER OBLIGATIONS- In carrying out this subsection, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders, and ensure that actions under this section do not violate international trade obligations, and are consistent with the World Customs Organization framework, or other international obligations of the United States.'

(b) Deadline for Container Security Standards and Procedures- Section 204(a)(4) of the SAFE Port Act (6 U.S.C. 944(a)(4)) is amended by--

(1) striking `(1) DEADLINE FOR ENFORCEMENT- ' and inserting the following:

`(1) DEADLINE FOR ENFORCEMENT-

`(A) ENFORCEMENT OF RULE- '; and

(2) adding at the end the following:

`(B) INTERIM REQUIREMENT- If the interim final rule described in paragraph (2) is not issued by April 1, 2008, then--

`(i) effective not later than October 15, 2008, all containers in transit to the United States shall be required to meet the requirements of International Organization for Standardization Publicly Available Specification 17712 standard for sealing containers; and

`(ii) the requirements of this subparagraph shall cease to be effective upon the effective date of the interim final rule issued pursuant to this subsection.'

(...)

SEC. 1901. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) Findings- Congress finds the following:

- (1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.*
- (2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.*
- (3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.*
- (4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.*
- (5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.*
- (6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.*
- (b) Promoting Antiterrorism Through International Cooperation Act-*
- (1) IN GENERAL- Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding after section 316, as added by section 1101 of this Act, the following:*

`SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

- `(a) Definitions- In this section:*
- `(1) DIRECTOR- The term 'Director' means the Director selected under subsection (b)(2).*
- `(2) INTERNATIONAL COOPERATIVE ACTIVITY- The term 'international cooperative activity' includes--*
- `(A) coordinated research projects, joint research projects, or joint ventures;*
- `(B) joint studies or technical demonstrations;*
- `(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;*
- `(D) training of scientists and engineers;*
- `(E) visits and exchanges of scientists, engineers, or other appropriate personnel;*
- `(F) exchanges or sharing of scientific and technological information; and*
- `(G) joint use of laboratory facilities and equipment.*
- `(b) Science and Technology Homeland Security International Cooperative Programs Office-*
- `(1) ESTABLISHMENT- The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.*
- `(2) DIRECTOR- The Office shall be headed by a Director, who--*

`(A) shall be selected, in consultation with the Assistant Secretary for International Affairs, by and shall report to the Under Secretary; and

`(B) may be an officer of the Department serving in another position.

`(3) RESPONSIBILITIES-

`(A) DEVELOPMENT OF MECHANISMS- The Director shall be responsible for developing, in coordination with the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other Federal agencies, understandings and agreements to allow and to support international cooperative activity in support of homeland security.

`(B) PRIORITIES- The Director shall be responsible for developing, in coordination with the Office of International Affairs and other Federal agencies, strategic priorities for international cooperative activity for the Department in support of homeland security.

`(C) ACTIVITIES- The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses (including small businesses and socially and economically disadvantaged small businesses (as those terms are defined in sections 3 and 8 of the Small Business Act (15 U.S.C. 632 and 637), respectively)), federally funded research and development centers, and universities.

`(D) IDENTIFICATION OF PARTNERS- The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

`(4) COORDINATION- The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

`(c) Matching Funding-

`(I) IN GENERAL-

`(A) EQUITABILITY- The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or the provision of staff, facilities, material, or equipment.

`(B) GRANT MATCHING AND REPAYMENT-

`(i) IN GENERAL- The Secretary may require a recipient of a grant under this section-

-`(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and

`(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.

`(ii) MAXIMUM AMOUNT- The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.

`(2) FOREIGN PARTNERS- Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism as determined to be appropriate by the Secretary of Homeland Security and the Secretary of State.

`(3) LOANS OF EQUIPMENT- The Director may make or accept loans of equipment for research and development and comparative testing purposes.

`(d) Foreign Reimbursements- If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

`(e) Report to Congress on International Cooperative Activities- Not later than one year after the date of enactment of this section, and every 5 years thereafter, the Under Secretary, acting through the Director, shall submit to Congress a report containing--

`(1) a brief description of each grant, cooperative agreement, or contract made or entered into under subsection (b)(3)(C), including the participants, goals, and amount and sources of funding; and

`(2) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

`(f) Animal and Zoonotic Diseases- As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, the Department of State, and appropriate officials of the Department of Agriculture, the Department of Defense, and the Department of Health and Human Services, may enter into cooperative activities with foreign countries, including African nations, to strengthen American preparedness against foreign animal and zoonotic diseases overseas that could harm the Nation's agricultural and public health sectors if they were to reach the United States.

`(g) Construction; Authorities of the Secretary of State- Nothing in this section shall be construed to alter or affect the following provisions of law:

`(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

`(2) Section 112b(c) of title 1, United States Code.

`(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

`(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

`(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

`(h) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as are necessary.'

(2) TECHNICAL AND CONFORMING AMENDMENT- The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by

inserting after the item relating to section 316, as added by section 1101 of this Act, the following:

`Sec. 317. Promoting antiterrorism through international cooperation program.'

(...)

SEC. 1901. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.

(a) Findings- Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

(b) Promoting Antiterrorism Through International Cooperation Act-

(1) IN GENERAL- Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding after section 316, as added by section 1101 of this Act, the following:

`SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

`(a) Definitions- In this section:

`(1) DIRECTOR- The term 'Director' means the Director selected under subsection (b)(2).

`(2) INTERNATIONAL COOPERATIVE ACTIVITY- The term 'international cooperative activity' includes--

`(A) coordinated research projects, joint research projects, or joint ventures;

`(B) joint studies or technical demonstrations;

`(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

`(D) training of scientists and engineers;

`(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

`(F) exchanges or sharing of scientific and technological information; and

`(G) joint use of laboratory facilities and equipment.

`(b) Science and Technology Homeland Security International Cooperative Programs Office-

`(1) ESTABLISHMENT- The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

`(2) DIRECTOR- The Office shall be headed by a Director, who--

`(A) shall be selected, in consultation with the Assistant Secretary for International Affairs, by and shall report to the Under Secretary; and

`(B) may be an officer of the Department serving in another position.

`(3) RESPONSIBILITIES-

`(A) DEVELOPMENT OF MECHANISMS- The Director shall be responsible for developing, in coordination with the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other Federal agencies, understandings and agreements to allow and to support international cooperative activity in support of homeland security.

`(B) PRIORITIES- The Director shall be responsible for developing, in coordination with the Office of International Affairs and other Federal agencies, strategic priorities for international cooperative activity for the Department in support of homeland security.

`(C) ACTIVITIES- The Director shall facilitate the planning, development, and implementation of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses (including small businesses and socially and economically disadvantaged small businesses (as those terms are defined in sections 3 and 8 of the Small Business Act (15 U.S.C. 632 and 637), respectively)), federally funded research and development centers, and universities.

`(D) IDENTIFICATION OF PARTNERS- The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

`(4) COORDINATION- The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.

`(c) Matching Funding-

`(1) IN GENERAL-

`(A) EQUITABILITY- The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner

government or other entity through direct funding, funding of complementary activities, or the provision of staff, facilities, material, or equipment.

`(B) GRANT MATCHING AND REPAYMENT-

`(i) IN GENERAL- *The Secretary may require a recipient of a grant under this section-*

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`(I) *to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and*

`(II) *to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.*

`(ii) MAXIMUM AMOUNT- *The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.*

`(2) FOREIGN PARTNERS- *Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism as determined to be appropriate by the Secretary of Homeland Security and the Secretary of State.*

`(3) LOANS OF EQUIPMENT- *The Director may make or accept loans of equipment for research and development and comparative testing purposes.*

`(d) Foreign Reimbursements- *If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.*

`(e) Report to Congress on International Cooperative Activities- *Not later than one year after the date of enactment of this section, and every 5 years thereafter, the Under Secretary, acting through the Director, shall submit to Congress a report containing--*

`(1) *a brief description of each grant, cooperative agreement, or contract made or entered into under subsection (b)(3)(C), including the participants, goals, and amount and sources of funding; and*

`(2) *a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.*

`(f) Animal and Zoonotic Diseases- *As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, the Department of State, and appropriate officials of the Department of Agriculture, the Department of Defense, and the Department of Health and Human Services, may enter into cooperative activities with foreign countries, including African nations, to strengthen American preparedness against foreign animal and zoonotic diseases overseas that could harm the Nation's agricultural and public health sectors if they were to reach the United States.*

`(g) Construction; Authorities of the Secretary of State- *Nothing in this section shall be construed to alter or affect the following provisions of law:*

`(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).

`(2) Section 112b(c) of title 1, United States Code.

`(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).

`(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).

`(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

`(h) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as are necessary.'

(2) TECHNICAL AND CONFORMING AMENDMENT- The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 316, as added by section 1101 of this Act, the following:

'Sec. 317. Promoting antiterrorism through international cooperation program.'

(...)

TITLE XXI--ADVANCING DEMOCRATIC VALUES

SEC. 2101. SHORT TITLE.

This title may be cited as the 'Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007' or the 'ADVANCE Democracy Act of 2007'.

SEC. 2102. FINDINGS.

Congress finds the following:

(1) The United States Declaration of Independence, the United States Constitution, and the United Nations Universal Declaration of Human Rights declare that all human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life and government of their respective countries.

(2) The development of democracy constitutes a long-term challenge that goes through unique phases and paces in individual countries as such countries develop democratic institutions such as a thriving civil society, a free media, and an independent judiciary, and must be led from within such countries, including by nongovernmental and governmental reformers.

(3) Individuals, nongovernmental organizations, and movements that support democratic principles, practices, and values are under increasing pressure from some governments of nondemocratic countries (as well as, in some cases, from governments of democratic transition countries), including by using administrative and regulatory mechanisms to undermine the activities of such individuals, organizations, and movements.

(4) Democratic countries have a number of instruments available for supporting democratic reformers who are committed to promoting effective, nonviolent change in nondemocratic countries and who are committed to keeping their countries on the path to democracy.

- (5) United States efforts to promote democracy and protect human rights can be strengthened to improve assistance for such reformers, including through an enhanced role for United States diplomats when properly trained and given the right incentives.*
- (6) The promotion of democracy requires a broad-based effort with cooperation between all democratic countries, including through the Community of Democracies.*

SEC. 2103. STATEMENT OF POLICY.

It is the policy of the United States--

- (1) to promote freedom and democracy in foreign countries as a fundamental component of United States foreign policy, along with other key foreign policy goals;*
- (2) to affirm fundamental freedoms and internationally recognized human rights in foreign countries, as reflected in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and to condemn offenses against those freedoms and rights as a fundamental component of United States foreign policy, along with other key foreign policy goals;*
- (3) to protect and promote such fundamental freedoms and rights, including the freedoms of association, of expression, of the press, and of religion, and the right to own private property;*
- (4) to commit to the long-term challenge of promoting universal democracy by promoting democratic institutions, including institutions that support the rule of law (such as an independent judiciary), an independent and professional media, strong legislatures, a thriving civil society, transparent and professional independent governmental auditing agencies, civilian control of the military, and institutions that promote the rights of minorities and women;*
- (5) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage, including by--*
- (A) providing appropriate support to individuals, nongovernmental organizations, and movements located in nondemocratic countries that aspire to live in freedom and establish full democracy in such countries; and*
- (B) providing political, economic, and other support to foreign countries and individuals, nongovernmental organizations, and movements that are willingly undertaking a transition to democracy; and*
- (6) to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.*

SEC. 2104. DEFINITIONS.

In this title:

- (1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY- The term 'Annual Report on Advancing Freedom and Democracy' refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.*

(2) APPROPRIATE CONGRESSIONAL COMMITTEES- *The term 'appropriate congressional committees' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.*

(3) ASSISTANT SECRETARY- *The term 'Assistant Secretary' means the Assistant Secretary of State for Democracy, Human Rights, and Labor.*

(4) COMMUNITY OF DEMOCRACIES AND COMMUNITY- *The terms 'Community of Democracies' and 'Community' mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.*

(5) DEPARTMENT- *The term 'Department' means the Department of State.*

(6) NONDEMOCRATIC COUNTRY OR DEMOCRATIC TRANSITION COUNTRY- *The term 'nondemocratic country' or 'democratic transition country' shall include any country which is not governed by a fully functioning democratic form of government, as determined by the Secretary, taking into account the general consensus regarding the status of civil and political rights in a country by major nongovernmental organizations that conduct assessments of such conditions in countries and whether the country exhibits the following characteristics:*

(A) All citizens of such country have the right to, and are not restricted in practice from, fully and freely participating in the political life of such country.

(B) The national legislative body of such country and, if directly elected, the head of government of such country, are chosen by free, fair, open, and periodic elections, by universal and equal suffrage, and by secret ballot.

(C) More than one political party in such country has candidates who seek elected office at the national level and such parties are not restricted in their political activities or their process for selecting such candidates, except for reasonable administrative requirements commonly applied in countries categorized as fully democratic.

(D) All citizens in such country have a right to, and are not restricted in practice from, fully exercising such fundamental freedoms as the freedom of expression, conscience, and peaceful assembly and association, and such country has a free, independent, and pluralistic media.

(E) The current government of such country did not come to power in a manner contrary to the rule of law.

(F) Such country possesses an independent judiciary and the government of such country generally respects the rule of law.

(G) Such country does not violate other core principles enshrined in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, United Nations Commission on Human Rights Resolution 1499/57 (entitled 'Promotion of the Right to Democracy'), and the United Nations General Assembly Resolution 55/96 (entitled 'Promoting and consolidating democracy').

(H) As applicable, whether the country has scored favorably on the political, civil liberties, corruption, and rule of law indicators used to determine eligibility for financial assistance disbursed from the Millennium Challenge Account.

(7) SECRETARY- *The term 'Secretary' means the Secretary of State.*

SUBTITLE A--ACTIVITIES TO ENHANCE THE PROMOTION OF DEMOCRACY

SEC. 2111. DEMOCRACY PROMOTION AT THE DEPARTMENT OF STATE.

(a) Democracy Liaison Officers-

(1) IN GENERAL- *The Secretary of State shall establish and staff Democracy Liaison Officer positions. Democracy Liaison Officers shall serve under the supervision of the Assistant Secretary. Democracy Liaison Officers may be assigned to the following posts:*

(A) *United States missions to, or liaisons with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States, and any other appropriate regional organization, the Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.*

(B) *Regional public diplomacy centers of the Department of State.*

(C) *United States combatant commands.*

(D) *Other posts as designated by the Secretary.*

(2) RESPONSIBILITIES- *Each Democracy Liaison Officer should--*

(A) *provide expertise on effective approaches to promote and build democracy;*

(B) *assist in formulating and implementing strategies for transitions to democracy; and*

(C) *carry out such other responsibilities as the Secretary or the Assistant Secretary may assign.*

(3) NEW POSITIONS- *To the fullest extent practicable, taking into consideration amounts appropriated to carry out this subsection and personnel available for assignment to the positions described in paragraph (1), the Democracy Liaison Officer positions established under subsection (a) shall be new positions that are in addition to existing positions with responsibility for other human rights and democracy related issues and programs, including positions with responsibility for labor issues.*

(4) RELATIONSHIP TO OTHER AUTHORITIES- *Nothing in this subsection may be construed as altering any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any authority or responsibility for the development or implementation of strategies to promote democracy.*

(b) Office Related to Democratic Movements and Transitions-

(1) ESTABLISHMENT- *There shall be identified within the Bureau of Democracy, Human Rights, and Labor of the Department at least one office that shall be responsible for working with democratic movements and facilitating the transition to full democracy of nondemocratic countries and democratic transition countries.*

(2) RESPONSIBILITIES- *The Assistant Secretary shall, including by acting through the office or offices identified pursuant to paragraph (1)--*

(A) *provide support for Democratic Liaison Officers established under subsection (a);*

(B) *develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements that are committed to the peaceful promotion of democracy and fundamental rights and freedoms, including fostering*

relationships with the United States Government and the governments of other democratic countries; and

(C) assist officers and employees of regional bureaus of the Department to develop strategies and programs to promote peaceful change in nondemocratic countries and democratic transition countries.

(3) LIAISON- Within the Bureau of Democracy, Human Rights, and Labor, the Assistant Secretary shall identify officers or employees who have expertise in and shall be responsible for working with nongovernmental organizations, individuals, and movements that develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements in foreign countries that are committed to the peaceful promotion of democracy and fundamental rights and freedoms.

(c) Actions by Chiefs of Mission- Each chief of mission in each nondemocratic country or democratic transition country should--

(1) develop, as part of annual program planning, a strategy to promote democratic principles, practices, and values in each such foreign country and to provide support, as appropriate, to nongovernmental organizations, individuals, and movements in each such country that are committed to democratic principles, practices, and values, such as by--

(A) consulting and coordinating with and providing support to such nongovernmental organizations, individuals, and movements regarding the promotion of democracy;

(B) issuing public condemnations of violations of internationally recognized human rights, including violations of religious freedom, and visiting local landmarks and other local sites associated with nonviolent protest in support of democracy and freedom from oppression; and

(C) holding periodic meetings with such nongovernmental organizations, individuals, and movements to discuss democracy and political, social, and economic freedoms;

(2) hold ongoing discussions with the leaders of each such nondemocratic country or democratic transition country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms and respect for human rights, including freedom of religion or belief, in such country; and

(3) conduct meetings with civil society, interviews with media that can directly reach citizens of each such country, and discussions with students and young people of each such country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms in each such country.

(d) Recruitment- The Secretary should seek to increase the proportion of members of the Foreign Service who serve in the Bureau of Democracy, Human Rights, and Labor.

(e) Authorization of Appropriations- There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(...)

SEC. 2113. INVESTIGATIONS OF VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.

(a) In General- The President, with the assistance of the Secretary, the Under Secretary of State for Democracy and Global Affairs, and the Ambassador-at-Large for War Crimes Issues, shall collect information regarding incidents that may constitute crimes against humanity, genocide, slavery, or other violations of international humanitarian law.

(b) Accountability- The President shall consider what actions can be taken to ensure that any government of a country or the leaders or senior officials of such government who are responsible for crimes against humanity, genocide, slavery, or other violations of international humanitarian law identified under subsection (a) are brought to account for such crimes in an appropriately constituted tribunal.

SUBTITLE B--STRATEGIES AND REPORTS ON HUMAN RIGHTS AND THE PROMOTION OF DEMOCRACY

SEC. 2121. STRATEGIES, PRIORITIES, AND ANNUAL REPORT.

(a) Expansion of Country-Specific Strategies To Promote Democracy-

(1) COMMENDATION- Congress commends the Secretary for the ongoing work by the Department to develop country-specific strategies for promoting democracy.

(2) EXPANSION- The Secretary shall expand the development of such strategies to all nondemocratic countries and democratic transition countries.

(3) BRIEFINGS- The Secretary shall keep the appropriate congressional committees fully and currently informed as such strategies are developed.

(b) Report Title- Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note) is amended, in the first sentence, by inserting 'entitled the Annual Report on Advancing Freedom and Democracy' before the period at the end.

(c) Enhanced Report- The Annual Report on Advancing Freedom and Democracy shall include, as appropriate--

(1) United States priorities for the promotion of democracy and the protection of human rights for each nondemocratic country and democratic transition country, developed in consultation with relevant parties in such countries; and

(2) specific actions and activities of chiefs of missions and other United States officials to promote democracy and protect human rights in each such country.

(d) Schedule of Submission- Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note) is amended, in the second sentence, by striking '30 days' and inserting '90 days'.

SEC. 2122. TRANSLATION OF HUMAN RIGHTS REPORTS.

(a) In General- The Secretary shall continue to expand the timely translation of the applicable parts of the Country Reports on Human Rights Practices required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), the Annual Report on International Religious Freedom required under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), the Trafficking in Persons Report required under section 110(b) of the Trafficking

Victims Protection Act of 2000 (22 U.S.C. 7107(b)), and any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 2151n note) into the principal languages of as many countries as possible, with particular emphasis on nondemocratic countries, democratic transition countries, and countries in which extrajudicial killings, torture, or other serious violations of human rights have occurred.

(b) Report-

(1) REQUIREMENT- Not later than April 1, 2008, and annually thereafter through 2010, the Secretary shall submit to the appropriate congressional committees a report describing any translations of the reports specified in subsection (a) for the preceding year, including which of such reports have been translated into which principal languages and the countries in which such translations have been distributed by posting on a relevant website or elsewhere.

(2) FORM- The report required under paragraph (1) may be included in any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003.

(...)

`SEC. 707. QUADRENNIAL HOMELAND SECURITY REVIEW.

`(a) Requirement-

`(1) QUADRENNIAL REVIEWS REQUIRED- In fiscal year 2009, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a `quadrennial homeland security review').

`(2) SCOPE OF REVIEWS- Each quadrennial homeland security review shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.

`(3) CONSULTATION- The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with--

`(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture, and the Director of National Intelligence;

`(B) key officials of the Department; and

`(C) other relevant governmental and nongovernmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.

`(4) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY

PROGRAM- *The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under section 874.*

`(b) Contents of Review- In each quadrennial homeland security review, the Secretary shall--

`(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

`(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation;

`(3) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

`(4) identify the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

`(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2); and

`(6) review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.

`(c) Reporting-

`(1) IN GENERAL- Not later than December 31 of the year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

`(2) CONTENTS OF REPORT- Each report submitted under paragraph (1) shall include--

`(A) the results of the quadrennial homeland security review;

`(B) a description of the threats to the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review;

`(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation;

`(D) a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

`(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the

Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

`(F) a discussion of the status of cooperation among Federal agencies in the effort to promote national homeland security;

`(G) a discussion of the status of cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats to national homeland security;

`(H) an explanation of any underlying assumptions used in conducting the review; and

`(I) any other matter the Secretary considers appropriate.

`(3) PUBLIC AVAILABILITY- The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

`(d) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary to carry out this section.'

(b) Preparation for Quadrennial Homeland Security Review-

(1) IN GENERAL- During fiscal years 2007 and 2008, the Secretary of Homeland Security shall make preparations to conduct the first quadrennial homeland security review under section 707 of the Homeland Security Act of 2002, as added by subsection (a), in fiscal year 2009, including--

(A) determining the tasks to be performed;

(B) estimating the human, financial, and other resources required to perform each task;

(C) establishing the schedule for the execution of all project tasks;

(D) ensuring that these resources will be available as needed; and

(E) all other preparations considered necessary by the Secretary.

(2) REPORT- Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available on the Internet website of the Department of Homeland Security a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the first quadrennial homeland security review.

(c) Clerical Amendment- The table of sections in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following new item:

`Sec. 707. Quadrennial Homeland Security Review.'

SEC. 2402. SENSE OF THE CONGRESS REGARDING THE PREVENTION OF RADICALIZATION LEADING TO IDEOLOGICALLY-BASED VIOLENCE.

(a) Findings- Congress finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists that plans, prepares for, and engages in acts of ideologically-based violence worldwide.

(2) The threat of radicalization that leads to ideologically-based violence transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism caused by ideologically-based groups.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the fight against terrorism.

(5) United States law enforcement agencies have identified radicalization that leads to ideologically-based violence as an emerging threat and have in recent years identified cases of extremists operating inside the United States, known as 'homegrown' extremists, with the intent to provide support for, or directly commit, terrorist attacks.

(6) Alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization that could lead to ideologically-based violence.

(7) Many other factors have been identified as contributing to the spread of radicalization and resulting acts of ideologically-based violence. Among these is the appeal of left-wing and right-wing hate groups, and other hate groups, including groups operating in prisons. Other such factors must be examined and countered as well in order to protect the homeland from violent extremists of every kind.

(8) Radicalization leading to ideologically-based violence cannot be prevented solely through law enforcement and intelligence measures.

(b) Sense of Congress- It is the sense of Congress that the Secretary of Homeland Security, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization that leads to ideologically-based violence by--

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds, and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending religious, ethnic, and minority communities;

(4) addressing prisoner radicalization and post-sentence reintegration, in concert with the Attorney General and State and local corrections officials;

(5) pursuing broader avenues of dialogue with minority communities, including the American Muslim community, to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to--

(A) educate such leaders about the threat of radicalization that leads to ideologically-based violence and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to minority communities, including the American Muslim community, and develop partnerships among and between all religious faiths and ethnic groups.