

“Ensuring Implementation of the 9/11 Commission Report Act”

On December 5, 2005, the 9/11 Public Discourse Project (PDP) released a report card containing more F’s than A’s on the status of the implementation of the 41 recommendations made by 9/11 Commission Report. Recognizing that the full implementation of all 41 recommendations must remain a top priority of our government, we are introducing the “Ensuring Implementation of the 9/11 Commission Report Act”. This legislation has been developed to serve as a comprehensive approach to the implementation of all 41 recommendations.

On a number of occasions, some of the 41 recommendations have been enacted into law, but may not have been fully implemented. To ensure implementation we have devised a mechanism for executive branch agencies to report on their progress. Where recommendations have been enacted into law, this bill requires the relevant agency or agencies to certify they have completed the requirements of Public Law 108-458, the Intelligence Reform and Terrorism Prevent Act of 2004 and the recommendations of the 9/11 Commission Report. This certification is to be submitted to the relevant congressional committees within 30 days of enactment of this legislation. Following the submission to Congress, the Government Accountability Office (GAO), will certify the submission. Should the agency not be able to certify that they have implemented the recommendations of PL108-458 and the recommendations of the 9/11 Commission, they have to explain why they have not been able to do it and explain what, if any, resources they need to complete the implementation. This report must be updated every thirty days until the agency can certify its implementation.

On other occasions, when the recommendations have not been enacted into law, but have established legislation, we inserted this legislation to serve as the implementing language of this recommendation. An examples of this includes using the Faster and Smarter Funding for First Responders Act (H.R. 1544) to fulfill the recommendation that homeland security funding should be based on risk.

Below is summary of the provision in this legislation

TITLE I—HOMELAND SECURITY, EMERGENCY PREPAREDNESS AND RESPONSE

Subtitle A—Emergency Preparedness and Response

CHAPTER 1—EMERGENCY PREPAREDNESS

Sec. 101. Adequate radio spectrum for first responders.

- Sec. 102. Report on establishing a unified incident command system.
- Sec. 103. Report on completing a national critical infrastructure risk and vulnerabilities assessment.
- Sec. 104. Private sector preparedness.
- Sec. 105. Relevant congressional committees defined.

What this chapter does:

This chapter includes the language of H.R. 1646, the Homeland Emergency Response Operations Act or the 'HERO Act' to provide adequate radio spectrum for first responders and it requires status reports on the establishment of a unified incident command system and a report on the completion of a nation critical infrastructure risk and vulnerabilities assessment.

CHAPTER 2—ASSISTANCE FOR FIRST RESPONDERS

- Sec. 111. Short title.
- Sec. 112. Findings.
- Sec. 113. Faster and Smarter Funding for First Responders.
- Sec. 114. Superseded provision.
- Sec. 115. Oversight.
- Sec. 116. GAO report on an inventory and status of Homeland Security first responder training.
- Sec. 117. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

Subtitle B—Transportation Security

- Sec. 121. Report on national strategy for transportation security.
- Sec. 122. Report on airline passenger pre-screening.
- Sec. 123. Report on detection of explosives at airline screening checkpoints.
- Sec. 124. Report on comprehensive screening program.
- Sec. 125. Relevant congressional committees defined.

Subtitle C—Border Security

- Sec. 131. Counterterrorist travel intelligence.
- Sec. 132. Comprehensive screening system.
- Sec. 133. Biometric entry and exit data system.
- Sec. 134. International collaboration on border and document security.
- Sec. 135. Standardization of secure identification.
- Sec. 136. Security enhancements for social security cards.

What this chapter does:

This chapter inserts the language of H.R. 1544, the Faster and Smarter Funding for First Responders Act to distribute homeland security funding based upon an assessment of risk and vulnerability.

For transportation security, this chapter will require reports on the implementation of PL 108-458 and the recommendations of the 9/11 Commission from the relevant agency. For example, it requires the Secretary of Transportation to submit to Congress a report on the status of the implementation of the nation strategy on transportation required by PL 108-458.

To implement the commission's recommendations on border security the legislation requires a series of agency and GAO reports on the implementation of the 9/11 Commission's recommendations.

TITLE II—REFORMING THE INSTITUTIONS OF GOVERNMENT

Subtitle A—Intelligence Community

- Sec. 201. Report on director of national intelligence.
- Sec. 202. Report on national counterterrorism center.
- Sec. 203. Report on creation of a Federal Bureau of Investigation national security workforce.
- Sec. 204. Report on new missions for the Director of the Central Intelligence Agency.
- Sec. 205. Report on incentives for information sharing.
- Sec. 206. Report on Presidential leadership of national security institutions in the information revolution.
- Sec. 207. Homeland airspace defense.
- Sec. 208. Semiannual report on plans and strategies of United States Northern Command for defense of the United States homeland.
- Sec. 209. Relevant congressional committees defined.

What this subtitle does:

This subtitle deals with the implementation of the 9/11 Commission's recommendations as they deal with the intelligence community. A large portion of this work was done with the passage of PL 108-458. This section deals with ensure the implementation of these enacted provisions.

Subtitle B—Civil Liberties and Executive Power

- Sec. 211. Report on the balance between security and civil liberties.
- Sec. 212. Privacy and civil liberties oversight board.
- Sec. 213. Set privacy guidelines for Government sharing of personal information.

Sec. 214. Definition of relevant congressional committees for subtitle.

What this subtitle does:

This subtitle inserts the language of H.R. 5000, the 9/11 Commission Civil Liberties Board Act. This legislation will fully implement the Privacy and Civil Liberties Oversight Board created in PL 108-458.

Subtitle C—Homeland Security Committees

CHAPTER 1—HOMELAND SECURITY REFORM IN THE HOUSE OF REPRESENTATIVES

Sec. 221. Committee on Homeland Security.

Sec. 222. Committee on Intelligence.

Sec. 223. Subcommittee limitation on Committee on Appropriations.

Sec. 224. Membership on Committee on Appropriations.

Sec. 225. Conforming amendments.

What this subtitle does:

This subtitle uses the text of H.Res. 25, the Maloney/Shays Rules change that would implement changes in oversight and committee jurisdiction in the House of Representatives as recommended by the 9/11 Commission.

CHAPTER 2—HOMELAND SECURITY OVERSIGHT REFORM IN THE SENATE

SUBCHAPTER A—HOMELAND SECURITY

Sec. 231. Homeland Security.

SUBCHAPTER B—INTELLIGENCE OVERSIGHT REFORM

Sec. 241. Intelligence oversight.

SUBCHAPTER C—COMMITTEE STATUS

Sec. 251. Committee status.

SUBCHAPTER D—INTELLIGENCE-RELATED SUBCOMMITTEES

Sec. 261. Subcommittee related to intelligence oversight.

Sec. 262. Subcommittee related to intelligence appropriations.

CHAPTER 3—EFFECTIVE DATE

Sec. 271. Effective date.

Subtitle D—Declassification of overall intelligence budget

Sec. 281. Availability to public of certain intelligence funding information.

Subtitle E—Standardize Security Clearances

Sec. 282. Standardization of security clearances.

What these subtitles do:

This subtitle uses the text of the McCain Rules change that would implement changes in oversight and committee jurisdiction in the Senate as recommended by the 9/11 Commission.

Section 281 provides for the declassification of the top line of the intelligence budget.

Section 282 requires a report on the implementation of standardization of security clearances.

TITLE III—FOREIGN POLICY, PUBLIC DIPLOMACY, AND
NONPROLIFERATION

Subtitle A—Foreign Policy

What this subtitle does:

This subtitle builds on the 9-11 Commission recommendations with regard to identifying, disrupting, capturing terrorists by successfully implementing the foreign policy goals of the Intelligence Reform and Terrorism Control Act.

Sec. 301. Actions to ensure a long-term commitment to Afghanistan.
This section notes progress in Afghanistan, but urges U.S. and its partners to commit to a long-term economic plan in order to ensure the country's stability. Requires the President to submit a report on 9-11 Commission recommendations and the policy goals of the Afghanistan Freedom Support Act.

Sec. 302. Actions to support Pakistan against extremists.

This section urges the U.S. to assist Pakistan's failing education system, calls for the closure of "madrassas," and requires the Secretary of State to report on progress.

Sec. 303. Actions to support reform in Saudi Arabia.

This section recommends the U.S. and Saudi Arabia to accelerate strategic dialogue and increase exchange programs, urges Saudi Arabia to better regulate charities, and requires the Secretary of State to report on the implementation of the policy goals of the 9-11 Commission and the Intelligence Reform and Terrorism Prevention Act.

Sec. 304. Elimination of terrorist sanctuaries.

This section amends the National Security Act of 1947 requiring the National Counter Terrorism Center (NCTC) to identify countries used as terrorist sanctuaries and requires the Director of the NCTC to report on progress.

Sec. 305. Comprehensive coalition strategy against Islamist terrorism.

This section urges the U.S. to employ a broader approach towards fighting Islamist terrorism by developing strategies with other countries and requires the Secretary of State to report on the implementation of the policy goals of the 9-11 Commission and the Intelligence Reform and Terrorism Prevention Act.

Sec. 306. Standards for the detention and humane treatment of captured terrorists.

This section requires the U.S. to develop a common coalition approach toward the detention and humane treatment of captured terrorists in accordance with the Detainee Treatment Act included in PL 109-148.

Sec. 307. Use of economic policies to combat terrorism.

This section requires the Secretary of State in consultation with the U.S. Trade Representative to report on the implementation of the policy goals of the 9-11 Commission and the Intelligence Reform and Terrorism Prevention Act with regard to the use of economic policies to combat terrorism.

Sec. 308. Actions to ensure vigorous efforts against terrorist financing.

This section highlights that the current Financial Task Force designation system does not adequately represent the progress countries are making in combating money laundering. This section requires the Secretary of the Treasury to annually report on countries of primary money laundering concern.

Subtitle B—Public Diplomacy

What this subtitle does:

This subtitle builds on the 9-11 Commission recommendations with regard to using public diplomacy as a means to fight terrorism.

Sec. 311. Public diplomacy responsibilities of the Department of State and public diplomacy training of members of the Foreign Service.

This section requires the Secretary of State to report on the implementation of the policy goals of the 9-11 Commission and the Intelligence Reform and Terrorism Prevention Act as it relates to public diplomacy training of members of the Foreign Service.

Sec. 312. International broadcasting.

This section requires the Broadcasting Board of Governors to submit a report on the progress, impact and funding needs of Radio Sawa and Radio Al-Hurra

Sec. 313. Expansion of United States scholarship, exchange, and library programs in the Islamic world.

This section requires the Secretary of State to report on the implementation of the policy goals of the 9-11 Commission and the Intelligence Reform and Terrorism Prevention Act as it relates to expansion of U.S. scholarship, exchange, and library programs in the Islamic world.

Sec. 314. International Youth Opportunity Fund.

This section commends the Middle East Partnership Initiative (MEPI) and the U.S. Agency for International Development for initiating secular and English language education programs in largely Muslim countries. This section authorizes the appropriation of \$50,000,000 for each of the fiscal years 2007 and 2008 to support the International Youth Opportunity Fund pursuant to the Intelligence Reform and Terrorism Prevention Act.

Subtitle C—Nonproliferation

What this subtitle does:

This subtitle inserts the language of H.R. 665, the Omnibus Nonproliferation and Anti-Nuclear Terrorism Act. Among other important provisions, this act establishes the Office of Nonproliferation Programs in the Executive Office of the President, expands the Proliferation Security Initiative and the Global Threat Reduction Initiative, and requires a report on Russia's non-strategic nuclear weapons.

Sec. 321. Short title.

Sec. 322. Findings.

These were provided to the Members by RANSAC, NTRC and others. They have been cross-vetted and vetted by Matthew Bunn of Harvard University.

Sec. 323. Establishment of Office of Nonproliferation Programs in the Executive Office of the President.

Centralizes budgetary and policy authority in WH. Since nonproliferation programs are spread across the USG (DOE, State, DoD) it makes sense to have one office overseeing all of it, signing off on budgets and developing a coordinated strategy. This

has been proposed before, including by the 1999 Deutch Commission to Assess the Organization of the Federal Government to combat the Proliferation of Weapons of Mass Destruction.

Sec. 324. Removal of restrictions on Cooperative Threat Reduction programs.

Sec. 325. Removal of restrictions on Department of Energy nonproliferation programs.

Sec. 326. Modifications of authority to use Cooperative Threat Reduction program funds outside the former Soviet Union.

Sec. 327. Modifications of authority to use International Nuclear Materials Protection and Cooperation program funds outside the former Soviet Union.

Sec. 328. Special reports on adherence to arms control agreements and nonproliferation commitments.

These sections track Senator Lugar's S. 2980, which he introduced in November and are modified slightly by also lifting the restrictions on the DOE.

These provisions would underscore the bipartisan consensus on Nunn-Lugar by streamlining and accelerating Nunn-Lugar implementation and grant more flexibility to the President and the Secretary of Defense to undertake nonproliferation projects outside the former Soviet Union.

It also would eliminate six congressionally-imposed conditions on Nunn-Lugar assistance that in the past have forced the suspension of time-sensitive nonproliferation projects. Deep-seated distrust of the former Soviet Union's biological and chemical weapons programs spurred Congress in 1993 to attach conditions to U.S. funding allocated to Defense-run CTR programs. The conditions required presidential certification of Russia's compliance with arms control and human rights agreements and Moscow's own investment in disposing of its stored weapons. Despite the conditions, since the program's inception, Congress has annually allocated funding to secure and dispose of nuclear and biological weapons materials.

In 2001, Congress added another set of conditions specific to the chemical weapons demilitarization efforts, requiring certification that Russia had declared its chemical weapons stockpile in full and would implement a plan to help destroy its stockpiled nerve agents.

In 2002, President Bush was unable for the first time to certify that Russia had met all six program-wide conditions, resulting in a halt to CTR funding until he was able to obtain and use authority to waive the certification requirement in early 2003. Thus, the purpose of these provisions is to reduce bureaucratic red tape and friction within our government that hinder effective responses to nonproliferation opportunities and emergencies. These impediments have also provided CTR opponents within Russia with an excuse to blame the United States for delays caused by a lack of access and transparency on the part of Moscow.

Finally, this portion of the bill also directs the Secretary of State to report on each country in which a program is being carried out, including its adherence to arms control and nonproliferation agreements.

Sec. 329. Presidential report on impediments to certain nonproliferation activities. Asks for POTUS to catalogue impediments to renegotiation of CTR umbrella agreement and other bilateral programs with Russia. Hope is that by identifying all of them, Congress and Administration will be better able to solve them.

Sec. 330. Enhancement of Global Threat Reduction Initiative. The 2005 Defense Authorization Act included a modified version of Global Cleanout legislation that Adam introduced in the 108th, but it was couched as a sense of Congress. The Defense Authorization Act provisions:

- Urge the President to establish a task force, in the Department of Energy, on nuclear materials removal;
- Provides a specific mandate for a program to remove the nuclear material from vulnerable sites around the world as quickly as possible, whether the nuclear material was supplied by the U.S. or the Soviet Union;
- Provide authorization for funding to begin these efforts; and
- Provide specific direction to provide flexible approaches tailored to each site to get them to give up their nuclear material.
- The provision in this bill mandate the above in the hope that the GTRI will be strengthened and that the cleanout will increase from the one facility / year pace it's on now.

Sec. 331. Expansion of Proliferation Security Initiative. This section urges the President to expand PSI beyond current members and to engage UNSC to provide the specific legal authority to interdict WMD materiel. Authorizes \$50m for training, especially new members of PSI.

Sec. 332. Sense of Congress relating to international security standards for nuclear weapons and materials. This section notes that at present there are no international standards regarding the securing of nuclear weapons. This provision urges POTUS to develop a set of internationally recognized standards and to work with other nations and the IAEA to get such standards adopted and implemented.

Sec. 333. Authorization of appropriations relating to inventory of Russian tactical nuclear warheads and data exchanges.

Sec. 334. Report on accounting for and securing of Russia's non-strategic nuclear weapons.

This sections notes that Russia's tactical nuclear arsenal is considered the most likely place from which a nuclear weapon would be stolen and sold or given to terrorists. These provisions authorize US assistance to Russia to conduct an inventory of tactical

and non-secured weapons. They also require DoD to submit a report on past US efforts to help Russia account for and secure its tactical and non-secured nukes and to recommend ways too improve such efforts.

Sec. 335. Research and development involving alternative use of weapons of mass destruction expertise.

This provision is a modified version of a provision of S.6, which was introduced by Senator Daschle et al. at the beginning of the 108th Congress. Permits any department or agency of the U.S. government to support non-defense research and development by nuclear, chemical, and biological weapons scientists in Russia and the FSU on technologies relating to environmental restoration and monitoring, proliferation detection, health and medicine, and energy. Funds may not be uted, however, if it is determined that the R&D being supported will pose a threat to U.S. interests or contribute to defense-related technologies or applications. A total of \$20.0 million is provided to the State Department to make these determinations, and to defray the costs incurred by any department in supporting the R&D projects described above.

Sec. 336. Strengthening the Nuclear Nonproliferation Treaty.

Article IV is the element of the NPT that allows all signatory non-nuclear states to develop peaceful nuclear power and essentially licenses them to shop for nuclear material and technology.. The problem is that states can then use the expertise granted through the “bargain” of the NPT to pursue a secret weapons development program and, at the appropriate time, opt out of the NPT. Thus, the purpose of the NPT is subverted. This section of the bill asks the President to submit a report outlining strategies to better control fuel cycle technologies and possible ways to close the “loophole” in Article IV without undermining the overall integrity of the Treaty.

Sec. 337. Definitions.