

# Intelligence Reform and Terrorism Prevention Act of 2004

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The INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004 implements the core recommendations of the 9/11 Commission.

## Highlights of the bill:

- DOES establish a strong **Director of National Intelligence** with real budget and personnel authority necessary to coordinate all national intelligence efforts.
- DOES establish an effective **National Counter terrorism Center (NCTC)** to coordinate and unify all elements of counterterrorism intelligence operations planning.
- DOES establish an independent **Privacy and Civil Liberties Board** that will be granted access to all government agencies to review policies and practices, and be led by a Chair and Vice Chair confirmed by the Senate.
- DOES establish a trusted **Information Sharing Environment** to facilitate sharing of terrorism-related information among government agencies.
- DOES contain numerous upgrades to **transportation and border security**, including enhanced cargo inspections, aviation security measures, and thousands of additional border patrol agents.
- DOES add **immigration and customs investigators and detention beds**, but DOES NOT contain any immigration “**poison pills**” such as expedited removals, heightening burden of proof on asylum-seekers, and due process erosions for aliens – all of which were unrelated to terrorism and were not recommended by the 9/11 Commission
- DOES require federal agencies to establish **minimum standards for drivers licenses and ID** necessary to board domestic commercial aircraft and gain access to federal facilities, but DOES NOT contain **controversial changes to laws governing identification cards** -- such as creating a national ID, banning the acceptance of Matricula Consular ID cards, or altering the ability of states to decide for themselves whether to provide drivers licenses to undocumented immigrants.
- DOES create **new crimes and criminal penalties intended to combat terrorism** but DOES NOT contain any **new death penalty provisions**.

## **KEY PROVISIONS**

### **TITLE I-III: INTELLIGENCE PROVISIONS**

#### **Reform of the Intelligence Community**

- Creates a strong Director of National Intelligence
  - Principal advisor to the President
  - Responsible for directing, overseeing, managing the Intelligence Community
  - Separate from the Director of the Central Intelligence Agency
  - Wields strong budget and personnel authorities, as envisioned by the 9-11 Commission
  - Flexibility and authority to respond to emerging national security threats
  - Authorized to create national intelligence centers
- Creates a National Counter Terrorism Center
  - Director appointed by the President, confirmed by the Senate
  - Missions and stature as envisioned by 9-11 Commission
- Creates an independent Privacy and Civil Liberties Board
  - Private citizens, appointed by the President
  - Chair and Vice Chair confirmed by the Senate
  - Advises the President and the executive branch
  - Provides to Congress at least annually reports that are unclassified to the greatest extent possible
  - Access to information throughout the executive branch
  - Attorney General may intervene when private parties fail to produce documents or witnesses
  - Conducts oversight of executive branch policies to ensure privacy and civil liberties are protected
- Mandates an information sharing environment for counter terrorism
  - Linking intelligence, law enforcement, and homeland security information
  - Linking Federal, state, local, and tribal entities and private sector
  - Establishes planning deadlines and reporting requirements
  - Builds in privacy and civil liberties protections
- Creates a National Counter Proliferation Center
- Restructures the FBI's intelligence capability - creates an Intelligence Directorate, requires cadre dedicated to intelligence discipline; requires intelligence personnel at field offices

### **TITLE IV-VIII: NON-INTELLIGENCE PROVISIONS**

#### **Transportation Security**

- Requires DHS to develop national strategy for transportation security
- Requires DHS to develop guidance for biometric identification technology for airport access

- Mandates testing of new advanced airline passenger prescreening system
- Mandates DHS to develop, test, improve, and deploy advanced detection equipment at airports
- Improves training for federal air marshals
- Upgrades baggage screening procedures and baggage screening area security
- Upgrades security features of pilot licenses
- Requires DHS to establish standards for aviation security staffing
- Requires expedited research, development and deployment of explosive detection systems
- Develops strategy to counter Man-Portable weapons (stinger-type missiles)
- Studies development of blast-resistant cargo and baggage containers
- Authorizes funding to upgrade air cargo security
- Strengthens watch-list procedures for passengers aboard vessels

### **Border Security**

- Tests advanced technology – including sensors, video, and unmanned aerial vehicles -- to secure northern border
- Requires DHS to devise plan for systemic surveillance of the southwest border by remotely piloted aircraft
- Increases the number of full-time border patrol agents by 2,000 per year for 5 years
- Increases the number of full-time Immigration and Customs Enforcement Investigators by 800 per year for 5 years
- Increases the number of detention beds available to DHS for immigration detention and removal by 8,000 a year for 5 years
- Strengthens visa application requirements
- Criminalizes alien smuggling
- Makes receipt of military-type training from designated terrorist organizations a deportable offense
- Mandates GAO study on potential weaknesses in U.S. asylum system
- Makes inadmissible and deportable any alien who commits acts of torture, extrajudicial killing, or atrocities abroad; establishes DOJ Office of Special Investigations

### **Terrorism Prevention**

- Provides FISA authority for “lone-wolf” terrorists, with a sunset provision
- Mandates additional reporting to Congress on use of FISA authority
- Authorizes funding for FINCEN and programs to combat money laundering and financial crimes
- Enhances tracing of certain cross-border financial transactions
- Provides new authorities to fight terrorism financing
- Facilitates criminal background checks of private security officers
- Allows sharing of Grand Jury information to government officials to prevent or respond to terrorism
- Expands prohibitions against providing “material support” to terrorists and establishes new definitions, with a sunset provision
- Criminalizes terrorist hoaxes and establishes penalty levels
- Expands prohibitions involving possession or trafficking of WMD

- Establishes mandatory minimum sentences for possession or trafficking in missile systems designed to destroy aircraft and other destructive weapons
- Establishes rebuttable presumption that person accused of terrorism crimes should be subject to pre-trial detention

### **Implementation of Additional 9/11 Commission Recommendations**

- Strengthens U.S. foreign policy to deny terrorist safe-havens and disrupt terrorist plots
  - Increases identification and reporting on terrorist sanctuaries
  - Maintains Pakistan funding, calls for assistance to promote democracy, combat extremists, and halt the spread of WMDs
  - Requires plan for long-term development and security in Afghanistan and calls for increased investment in rule of law and education
- Fights the continued growth of Islamic terrorism
  - Expands exchanges in the Islamic world
  - Improves public education in the Middle East through International Youth Opportunity Fund
  - Promotes economic development through the Middle East Partnership Initiative
- Strengthens Terrorist Travel Provisions
  - Establishes counterterrorist travel intelligence strategy
  - Establishes Human Smuggling and Trafficking Center
  - Authorizes funding for immigration security initiative
  - Requires DHS to speed implementation of biometric entry and exit data system
  - Establishes minimum federal standards for birth certificates and drivers' licenses
  - Enhances security of social security cards
  - Establishes visa and passport security program in State Department
  - Requires DHS to establish minimum ID standards to board commercial aircraft, and requires DHS to provide recommendations for ID standards to gain access to other federal facilities
- Miscellany
  - Establishes programs to enhance public safety communications interoperability
  - Establishes Office of Counternarcotics Enforcement
  - Requires study and development of strategy to use broadcast spectrum for public safety purposes
  - Improves ability of Presidential Transition officials to obtain clearances