Intelligence Reform and Terrorism Prevention Act of 2004

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