

**Lieberman, Akaka second degree amendment to Levin Amendment #1.**

**Strike all after the word viz and insert the following:**

**On page 40, line 5, strike all through page 51, line 4 and insert the following:**

**Sec. 132. DIRECTORATE OF INTELLIGENCE**

(a) ESTABLISHMENT.-

(1) DIRECTORATE.-

(A) In General. There is established a Directorate of Intelligence which will serve as a national-level focal point for information relating to the plans, intentions, and capabilities of terrorists and terrorist organizations available to the United States Government for the purpose of supporting the mission of the Department as defined in Section 101 (c) of this Act.

(B) Support to the Directorate. - The Directorate of Intelligence shall communicate, coordinate and cooperate with -

(i) the Federal Bureau of Investigation;

(ii) the intelligence community as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a) including the Office of the Director of Central Intelligence, the National Intelligence Council, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the Bureau of Intelligence and Research of the Department of State; and

(iii) other agencies or entities, including those within the Department, as determined by the Secretary.

(C) INFORMATION ON INTERNATIONAL TERRORISM.-

(i) Provision of Information To Counterterrorist Center. - In order to ensure that the Secretary is provided with appropriate analytical products, assessments, and warnings relating to threats of terrorism against the United States and other threats to homeland security, the Director of Central Intelligence (as head of the intelligence community with respect to foreign intelligence and counterintelligence), the Attorney General, and the heads of other agencies of the Federal Government shall ensure that all intelligence and other information relating to international terrorism is provided to the Director of Central Intelligence's Counterterrorist Center.

(ii) Analysis of Information.- The Director of Central Intelligence shall ensure the analysis by the Counterterrorist Center of all intelligence and other information provided the Counterterrorist Center under clause (i).

(iii) Analysis of Foreign Intelligence.- The Counterterrorist Center shall have primary responsibility for the analysis of foreign intelligence relating to international terrorism.

(iv) Definitions.- In this subparagraph, the terms “foreign intelligence” and “counter-intelligence” shall have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) UNDER SECRETARY.- There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.- The Directorate of Intelligence shall be responsible for the following:

(1)(A) Receiving and analyzing law enforcement and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and fusing such information and analysis with analytical products, assessments, and warnings concerning foreign intelligence from the Director of Central Intelligence’s Counterterrorist Center in order to -

(i) identify and assess the nature and scope of threats to the homeland; and

(ii) detect and identify threats of terrorism against the United States and other threats to homeland security.

(B) Nothing in this paragraph shall be construed to prohibit the Directorate from conducting supplemental analysis of foreign intelligence relating to threats of terrorism against the United States and other threats to homeland security.

(2) Ensuring timely and efficient access by the Directorate to-

(A) information from agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, private sector entities; and

(B) open source information.

(3) Representing the Department in procedures to establish requirements and priorities in the collection of national intelligence for the purposes of the provision of national intelligence to the executive branch under section 103 of the National Security Act of 1947 .

(4) Consulting with the Attorney General, his designees, or other United States Government officials to establish over-all collection priorities and strategies for information, including law enforcement information, related to domestic threats such as terrorism to the homeland.

(5) Disseminating information to the Directorate of Critical Infrastructure Protection, the agencies described under subsection (a)(1)(B), State and local governments, local

law enforcement and intelligence agencies, and private sector entities to assist in the deterrence, prevention, preemption, and response to threats of terrorism against the United States and other threats to homeland security.

(6) Establishing and utilizing, in conjunction with the Chief Information Officer of the Department, and in conjunction with the appropriate officers at the agencies described under subsection (a)(1)(B), a secure communications, information technology infrastructure, and advanced analytical tools to carry out the mission of the Directorate.

(7) Developing, in conjunction with the Chief Information Officer of the Department, and in conjunction with appropriate officers at the agencies described under subsection (a)(1)(B) appropriate software, hardware, and other information technology, and security and formatting protocols, to ensure that the Federal Government databases and information technology systems containing information relevant to terrorist threats, and other threats against the United States, are-

(A) compatible with the secure communications and information technology infrastructure referred to under paragraph (6); and

(B) comply with Federal laws concerning privacy and the prevention of unauthorized disclosure.

(8) Ensuring, in conjunction with the Director of Central Intelligence and the Attorney General, that all material received by the Department is protected against unauthorized disclosure and is utilized by the Department only in the course and for the purpose of fulfillment of official duties, and is transmitted, retained, handled, and disseminated consistent with -

(A) the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures; or

(B) as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information, and the privacy interests of the United States persons as defined under section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) Providing, through the Secretary, to the appropriate law enforcement or intelligence agency, information and analysis relating to threats.

(10) Coordinating, or, where appropriate, providing training and other support as necessary to providers of information to the Department, or consumers of information from the Department, to allow such providers or consumers to identify and share intelligence information revealed in their ordinary duties or utilize information received from the Department, including training and support under section 908 of the USA Patriot Act.

(11) Reviewing, analyzing, and making recommendations through the Secretary for improvements in the policies and procedures governing sharing of law enforcement,

intelligence, and other information relating to threats of terrorism against the United States and other threats to homeland security within the Federal government and between the Federal government and State and local governments, local law enforcement and intelligence agencies, and private sector entities.

(12) Assisting and supporting the Secretary in conducting threat and vulnerability assessments and risk analysis in coordination with other appropriate entities, including the Office of Risk Analysis and Assessment in the Directorate of Science and Technology.

(13) Performing other related and appropriate duties as assigned by the Secretary.

(c) ACCESS TO INFORMATION.

(1) In General. - Unless otherwise directed by the President, the Secretary shall have access to, and the United States Government agencies shall provide, all reports, assessments, analytical information, and information, including unevaluated intelligence, relating to the capabilities, intentions, and activities of terrorists and terrorist organizations and to other areas of responsibility as described in this Act, that may be collected, possessed, and prepared by any agency or department of the Government.

(2) Additional Information.- As the President may further provide, the Secretary shall receive additional information which he requests from the agencies described under subsection (a)(1)(B).

(3) Obtaining Information.- All information will be provided the Secretary consistent with the requirements under subsection (b)(8) unless otherwise determined by the President.

(4) Agreements.- The Secretary may enter into cooperative arrangements with other executive agencies, as described in subsection (a)(1)(B), to share such material on a regular or routine basis, including requests or arrangements involving broad categories of material and regardless of whether the Secretary has made any request or entered into any cooperative arrangement, all agencies described under subsection (a)(1)(B) promptly shall provide information required in this section.

(d) AUTHORIZATION TO SHARE LAW ENFORCEMENT INFORMATION.- The Secretary shall be deemed to be a Federal law enforcement, intelligence, protective, national defense, or national security official for purposes of information sharing provisions of -

(1) section 203(d) of the USA PATRIOT Act of 2001 (Public Law 107-56);

(2) section 2517(6) of title 18, United States Code; and

(3) rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure.

(e) ADDITIONAL RESPONSIBILITIES.- The Under Secretary for Intelligence shall be

responsible for -

(1) developing analysis concerning the means which terrorists might employ to exploit vulnerabilities in the homeland security infrastructure;

(2) developing and conducting experiments, tests, and inspections to test weaknesses in homeland defenses;

(3) developing and practicing new countersurveillance techniques to prevent attacks,

(4) conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks, the probability of successful attacks, and the feasibility of specific countermeasures; and

(5) working with the Directorate of Critical Infrastructure Protection, other offices and agencies in the Department, other agencies, State and local governments, local law enforcement and intelligence agencies, and private sector entities, to address vulnerabilities.

(f) MANAGEMENT AND STAFFING.-

(1) In General.- The Directorate of Intelligence shall be staffed, in part, by analysts as requested by the Secretary and assigned by the agencies described under subsection (a)(1)(B). The analysts shall be assigned by reimbursable detail for periods as determined necessary by the Secretary in conjunction with the head of the assigning agency except no such detail shall be undertaken without the consent of the assigning agency.

(2) Employees Assigned Within The Department.- The Secretary may assign employees of the Department by reimbursable detail to the Directorate.

(3) Service As Factor For Selection. - The President, or the designee of the President, shall prescribe regulations to provide that service described under paragraph (1) or (2), or service by employees within the Directorate shall be considered a positive factor for selection to positions of greater authority within all supporting agencies.

(4) Personnel Security Standards.- The employment of personnel in the Directorate shall be in accordance with such personnel security standards for access to classified information and intelligence as the Secretary, in conjunction with the Director of Central Intelligence, shall establish for this subsection.

(5) Performance Evaluation.- The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegate such responsibility to the Under Secretary for Intelligence.

(g) INTELLIGENCE COMMUNITY.- Those portions of the Directorate of Intelligence under subsection (b)(1), and the intelligence-related components of agencies transferred by this

division to the Department, including the United States Coast Guard, shall be -

(1) considered to be part of the United States intelligence community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.