

117TH CONGRESS
1ST SESSION

S. _____

To require a declassification review of certain investigation documents concerning foreign support for the terrorist attacks of September 11, 2001, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. CORNYN, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. BOOKER, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require a declassification review of certain investigation documents concerning foreign support for the terrorist attacks of September 11, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “September 11 Trans-
5 parency Act of 2021”.

1 **SEC. 2. DECLASSIFICATION REVIEW OF CERTAIN INVESTIGATION DOCUMENTS CONCERNING FOREIGN SUPPORT FOR TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**

2
3
4
5 (a) DECLASSIFICATION REVIEWS, PUBLICATION, AND
6 REPORT.—The Director of National Intelligence, the Attorney General, and the Director of the Central Intelligence Agency shall—

7
8
9 (1) in accordance with subsection (b), complete
10 declassification reviews—

11 (A) not later than 90 days after the date
12 of the enactment of this Act, of—

13 (i) the subfile investigation described
14 in chapter V of the 2015 Final Report of
15 the Congressionally-directed 9/11 Review
16 Commission;

17 (ii) any subfile or separate investigation
18 of any subject of the subfile investigation
19 described in clause (i);

20 (iii) any counterintelligence investigation
21 involving any subject of the subfile investigation
22 described in clause (i); and

23 (iv) any PENTTBOM records referring
24 or relating to any subject of the
25 subfile investigation described in clause (i);
26 and

1 (B) not later than 20 days after the date
2 of the enactment of this Act, of the April 2016
3 Review Report concerning the subfile investiga-
4 tion described in subparagraph (A)(i);

5 (2) not later than 20 days after the date of the
6 enactment of this Act, make available to the public
7 any information declassified as a result of a declas-
8 sification review completed under paragraph (1)(B);
9 and

10 (3) not later than 90 days after the date of the
11 enactment of this Act—

12 (A) make available to the public any infor-
13 mation declassified as a result of the declas-
14 sification reviews completed under paragraph
15 (1)(A); and

16 (B) submit to the congressional intelligence
17 committees (as defined in section 3 of the Na-
18 tional Security Act of 1947 (50 U.S.C. 3003))
19 a report on the results of the declassification re-
20 views completed under paragraph (1), including
21 a justification for each decision not to declassify
22 a document, record, or information pursuant to
23 such reviews.

24 (b) REVIEW PROCEDURES.—

1 (1) OVERSIGHT AND RESPONSIBILITY.—The de-
2 classification reviews required by subsection (a)(1)
3 shall be overseen by the Director of National Intel-
4 ligence, who shall ensure that documents and infor-
5 mation are declassified to the fullest extent possible
6 under applicable provisions of law, except that—

7 (A) the Attorney General shall have pri-
8 mary responsibility for conducting the declas-
9 sification reviews required by subsection (a)(1)
10 with respect to documents and information that
11 originated with the Department of Justice;

12 (B) the Director of the Central Intelligence
13 Agency shall have primary responsibility for
14 conducting the declassification reviews required
15 by such subsection with respect to documents
16 and information that originated with the Cen-
17 tral Intelligence Agency; and

18 (C) the Director of National Intelligence
19 shall have primary responsibility for conducting
20 the declassification reviews required by such
21 subsection with respect to all other documents
22 and information not described in subparagraph
23 (A) or (B).

24 (2) ADDITIONAL REQUIREMENTS.—Upon the
25 completion of the declassification reviews under sub-

1 section (a)(1), the Director of National Intelligence,
2 the Attorney General, and the Director of the Cen-
3 tral Intelligence Agency shall each ensure that, with
4 respect to each review under their respective primary
5 responsibility under paragraph (1) of this subsection
6 and as to all documents and information subject to
7 such reviews but not declassified pursuant to such
8 reviews—

9 (A) such documents and information meet
10 the requirements for classification;

11 (B) all nonclassified information is dis-
12 entangled and, to the extent practicable, made
13 available to the public; and

14 (C) all documents and information are
15 nonetheless declassified, in accordance with sec-
16 tion 3.1 of Executive Order 13526 (50 U.S.C.
17 3161 note; relating to classified national secu-
18 rity information), or successor order, when the
19 Director of National Intelligence, the Attorney
20 General, or the Director of the Central Intel-
21 ligence Agency, as the case may be, determines
22 that the Federal Government's interest in clas-
23 sification is outweighed by the public interest in
24 disclosure.