

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REYES, SILVESTRE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Rev
65

AMENDMENT TO H.R. 2701, AS REPORTED
OFFERED BY MR. Royes

Page 9, line 21, strike "\$672,812,000" and insert "\$643,252,000".

Page 23, line 14, strike "a grant program" and insert "grant programs".

Page 23, line 15, strike "subsection (b)" and insert "subsections (b) and (c)".

Page 24, after line 10, insert the following:

1 “(c) GRANT PROGRAM FOR HISTORICALLY BLACK
2 COLLEGES AND UNIVERSITIES.—(1) The Director of Na-
3 tional Intelligence may provide grants to historically black
4 colleges and universities to provide programs of study in
5 educational disciplines identified under subsection (a)(2)
6 or described in paragraph (2).

7 “(2) A grant provided under paragraph (1) may be
8 used to provide programs of study in the following edu-
9 cational disciplines:

10 “(A) Foreign languages, including Middle East-
11 ern and South Asian dialects.

12 “(B) Computer science.

13 “(C) Analytical courses.

1 “(D) Cryptography.

2 “(E) Study abroad programs.”.

Page 24, line 11, strike “(3) An” and insert “(d)
APPLICATION.—An”.

Page 24, line 15, strike “(4) An” and insert “(e)
REPORTS.—An”.

Page 25, line 1, strike “(c)” and insert “(f)”.

Page 25, line 4, strike “(d)” and insert “(g)”.

Page 25, line 10, strike the quotation mark and the
second period.

Page 25, after line 10, insert the following:

3 “(3) ANALYTICAL COURSES.—The term ‘analyt-
4 ical courses’ mean programs of study involving—

5 “(A) analytic methodologies, including ad-
6 vanced statistical, polling, econometric, mathe-
7 matical, or geospatial modeling methodologies;

8 “(B) analysis of counterterrorism, crime,
9 and counternarcotics;

10 “(C) economic analysis that includes ana-
11 lyzing and interpreting economic trends and de-
12 velopments;

1 “(D) medical and health analysis, includ-
2 ing the assessment and analysis of global health
3 issues, trends, and disease outbreaks;

4 “(E) political analysis, including political,
5 social, cultural, and historical analysis to inter-
6 pret foreign political systems and developments;
7 or

8 “(F) psychology, psychiatry, or sociology
9 courses that assess the psychological and social
10 factors that influence world events.

11 “(4) COMPUTER SCIENCE.—The term ‘com-
12 puter science’ means a program of study in com-
13 puter systems, computer science, computer engineer-
14 ing, or hardware and software analysis, integration,
15 and maintenance.

16 “(5) CRYPTOGRAPHY.—The term ‘cryptog-
17 raphy’ means a program of study on the conversion
18 of data into a scrambled code that can be deciphered
19 and sent across a public or private network, and the
20 applications of such conversion of data.

21 “(6) HISTORICALLY BLACK COLLEGE AND UNI-
22 VERSITY.—The term ‘historically black college and
23 university’ means an institution of higher education
24 that is a part B institution, as such term is defined

1 in section 322 of the Higher Education Act of 1965
2 (20 U.S.C. 1061).

3 “(7) STUDY ABROAD PROGRAM.—The term
4 ‘study abroad program’ means a program of study
5 that—

6 “(A) takes places outside the geographical
7 boundaries of the United States;

8 “(B) focuses on areas of the world that are
9 critical to the national security interests of the
10 United States and are generally underrep-
11 resented in study abroad programs at institu-
12 tions of higher education, including Africa,
13 Asia, Central and Eastern Europe, Eurasia,
14 Latin American, and the Middle East; and

15 “(C) is a credit or noncredit program.”.

Page 30, strike lines 10 through 12.

Page 30, line 13, strike “(C)” and insert “(B)”.

Page 30, line 16, strike “(D)” and insert “(C)”.

Page 30, line 19, strike “(E)” and insert “(D)”.

Page 31, line 1, strike “any information” and all
that follows through “dissenting legal views” and insert
“the legal authority under which the intelligence activity
is being or was conducted”.

Page 31, line 11, strike “any information” and all that follows through “legal views” and insert “the legal authority under which the covert action is being or was conducted”.

Page 31, strike line 18 and all that follows through line 8 on page 32 and insert the following:

- 1 (2) in subsection (c)—
- 2 (A) in paragraph (1), by inserting “in
- 3 writing” after “be reported”;
- 4 (B) in paragraph (2), by striking “If the
- 5 President” and inserting “Subject to paragraph
- 6 (5), if the President”; and
- 7 (C) by adding at the end the following new
- 8 paragraph:
- 9 “(5)(A) The President may only limit access to
- 10 a finding in accordance with this subsection or a no-
- 11 tification in accordance with subsection (d)(1) if the
- 12 President submits to the Members of Congress spec-
- 13 ified in paragraph (2) a certification that it is essen-
- 14 tial to limit access to such finding or such notifica-
- 15 tion to meet extraordinary circumstances affecting
- 16 vital interests of the United States.
- 17 “(B) Not later than 180 days after a certifi-
- 18 cation is submitted in accordance with subparagraph

1 (A) or this subparagraph, the Director of National
2 Intelligence shall—

3 “(i) provide access to the finding or notifi-
4 cation that is the subject of such certification to
5 all members of the congressional intelligence
6 committees; or

7 “(ii) submit to the Members of Congress
8 specified in paragraph (2) a certification that it
9 is essential to limit access to such finding or
10 such notification to meet extraordinary cir-
11 cumstances affecting vital interests of the
12 United States.”;

Page 32, strike lines 12 through 15 and insert the following:

13 (B) in paragraph (1), as designated by
14 subparagraph (A) of this paragraph, by insert-
15 ing “in writing” after “notified”; and

Page 33, line 13, insert “or to the limiting of access to such finding or such notice” after “notice”.

Page 33, line 13, strike “48 hours” and insert “seven days”.

Page 33, line 22, strike “on the content of” and insert “regarding”.

Page 34, strike lines 14 through 20.

Strike section 334 (Page 41, line 8 and all that follow through line 25 on page 44) and insert the following new section:

1 **SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY**
2 **IN THE INTELLIGENCE COMMUNITY.**

3 Not later than one year after the date of the enact-
4 ment of this Act, and annually thereafter for four years,
5 the Director of National Intelligence shall submit to the
6 congressional intelligence committees and the Committees
7 on Armed Services of the House of Representatives and
8 the Senate a report on the proficiency in foreign languages
9 and, as appropriate, in foreign dialects, of each element
10 of the intelligence community, including—

11 (1) the number of positions authorized for such
12 element that require foreign language proficiency
13 and the level of proficiency required;

14 (2) an estimate of the number of such positions
15 that each element will require during the five-year
16 period beginning on the date of the submission of
17 the report;

18 (3) the number of positions authorized for such
19 element that require foreign language proficiency
20 that are filled by—

21 (A) military personnel; and

1 (B) civilian personnel;

2 (4) the number of applicants for positions in
3 such element in the preceding fiscal year that indi-
4 cated foreign language proficiency, including the for-
5 eign language indicated and the proficiency level;

6 (5) the number of persons hired by such ele-
7 ment with foreign language proficiency, including
8 the foreign language and proficiency level;

9 (6) the number of personnel of such element
10 currently attending foreign language training, in-
11 cluding the provider of such training;

12 (7) a description of the efforts of such element
13 to recruit, hire, train, and retain personnel that are
14 proficient in a foreign language;

15 (8) an assessment of methods and models for
16 basic, advanced, and intensive foreign language
17 training;

18 (9) for each foreign language and, as appro-
19 priate, dialect of a foreign language—

20 (A) the number of positions of such ele-
21 ment that require proficiency in the foreign lan-
22 guage or dialect;

23 (B) the number of personnel of such ele-
24 ment that are serving in a position that re-
25 quires proficiency in the foreign language or

1 dialect to perform the primary duty of the posi-
2 tion;

3 (C) the number of personnel of such ele-
4 ment that are serving in a position that does
5 not require proficiency in the foreign language
6 or dialect to perform the primary duty of the
7 position;

8 (D) the number of personnel of such ele-
9 ment rated at each level of proficiency of the
10 Interagency Language Roundtable;

11 (E) whether the number of personnel at
12 each level of proficiency of the Interagency
13 Language Roundtable meets the requirements
14 of such element;

15 (F) the number of personnel serving or
16 hired to serve as linguists for such element that
17 are not qualified as linguists under the stand-
18 ards of the Interagency Language Roundtable;

19 (G) the number of personnel hired to serve
20 as linguists for such element during the pre-
21 ceding calendar year;

22 (H) the number of personnel serving as
23 linguists that discontinued serving such element
24 during the preceding calendar year;

1 (I) the percentage of work requiring lin-
2 guistic skills that is fulfilled by an ally of the
3 United States; and

4 (J) the percentage of work requiring lin-
5 guistic skills that is fulfilled by contractors;

6 (10) an assessment of the foreign language ca-
7 pacity and capabilities of the intelligence community
8 as a whole;

9 (11) an identification of any critical gaps in for-
10 eign language proficiency with respect to such ele-
11 ment and recommendations for eliminating such
12 gaps;

13 (12) recommendations for eliminating required
14 reports relating to foreign-language proficiency that
15 the Director of National Intelligence considers out-
16 dated or no longer relevant; and

17 (13) an assessment of the feasibility of employ-
18 ing foreign nationals lawfully present in the United
19 States who have previously worked as translators or
20 interpreters for the Armed Forces or another de-
21 partment or agency of the Federal Government in
22 Iraq or Afghanistan to meet the critical language
23 needs of such element.

Page 45, beginning on line 18, strike "one of the
congressional intelligence committees" and insert "a com-

mittee of Congress with jurisdiction over such program or activity”.

Page 46, beginning on line 8, strike “the congressional intelligence committees” and insert “each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph”.

Page 46, line 13, strike “report” and insert “statement”.

Page 46, line 16, strike “report” and insert “statement”.

Page 46, beginning on line 17, strike “the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3)” and insert “each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement”.

Page 46, line 21, strike the closing quotation mark and the final period.

Page 46, after line 21, insert the following:

1 “(c) CONFIDENTIALITY.—(1) The Comptroller Gen-
2 eral shall maintain the same level of confidentiality for in-
3 formation made available for an analysis, evaluation, or
4 investigation referred to in subsection (a) as is required
5 of the head of the element of the intelligence community
6 from which such information is obtained. Officers and em-
7 ployees of the Government Accountability Office are sub-
8 ject to the same statutory penalties for unauthorized dis-
9 closure or use of such information as officers or employees
10 of the element of the intelligence community that provided
11 the Comptroller General or officers and employees of the
12 Government Accountability Office with access to such in-
13 formation.

14 “(2) The Comptroller General shall establish proce-
15 dures to protect from unauthorized disclosure all classified
16 and other sensitive information furnished to the Comp-
17 troller General or any representative of the Comptroller
18 General for conducting an analysis, evaluation, or inves-
19 tigation referred to in subsection (a).

20 “(3) Before initiating an analysis, evaluation, or in-
21 vestigation referred to in subsection (a), the Comptroller
22 General shall provide the Director of National Intelligence
23 and the head of each relevant element of the intelligence
24 community with the name of each officer and employee
25 of the Government Accountability Office who has obtained

1 appropriate security clearance and to whom, upon proper
2 identification, records and information of the element of
3 the intelligence community shall be made available in con-
4 ducting such analysis, evaluation, or investigation.”.

Page 48, line 15, strike “BIANNUAL” and insert
“BIENNIAL”.

Page 48, line 19, strike “biannually” and insert “bi-
ennially”.

Page 62, line 14, strike “**NATIONAL INTEL-
LIGENCE ESTIMATE**” and insert “**REPORT**”.

Page 62, beginning on line 18, strike “National In-
telligence Estimate or National Intelligence Assessment”
and insert “report”.

Page 62, strike line 20 and insert the following:
“supply chain and global provision of services to deter-
mine whether such supply chain and such services pose”.

Page 62, line 21, strike “counterfeit”.

Page 62, line 22, strike “defective” and insert
“counterfeit, defective,”.

Page 62, line 23, insert “or services that may be
managed, controlled, or manipulated by a foreign govern-
ment or a criminal organization” after “organization”.

Page 63, beginning on line 5, strike “counterfeit”.

Page 63, line 6, strike “defective” and insert “counterfeit, defective,”.

Page 63, line 8, insert “or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization” after “organization”.

Page 63, at the end of line 8 insert the following: “Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.”.

Strike section 353 (Page 67, line 20 and all that follows through line 25 on page 68).

Page 69, beginning on line 5, strike “Federal Bureau of Investigation” and insert “Federal Bureau of Investigation, in consultation with the Secretary of State,”.

Insert after section 354 (Page 69, after line 15) the following new sections:

1 **SEC. 355. REPORT ON QUESTIONING AND DETENTION OF**
2 **SUSPECTED TERRORISTS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Director of National Intelligence, in

1 consultation with the Attorney General, shall submit to
2 Congress a report containing—

3 (1) a description of the strategy of the Federal
4 Government for balancing the intelligence collection
5 needs of the United States with the interest of the
6 United States in prosecuting terrorist suspects; and

7 (2) a description of the policy of the Federal
8 Government with respect to the questioning, deten-
9 tion, trial, transfer, release, or other disposition of
10 suspected terrorists.

11 **SEC. 356. REPORT ON DISSEMINATION OF COUNTERTER-**
12 **RORISM INFORMATION TO LOCAL LAW EN-**
13 **FORCEMENT AGENCIES.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Director of National Intelligence
16 shall submit to Congress a report on the dissemination
17 of critical counterterrorism information from the intel-
18 ligence community to local law enforcement agencies, in-
19 cluding recommendations for improving the means of com-
20 munication of such information to local law enforcement
21 agencies.

1 **SEC. 357. REPORT ON INTELLIGENCE CAPABILITIES OF**
2 **STATE AND LOCAL LAW ENFORCEMENT**
3 **AGENCIES.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Director of National Intelligence
6 shall submit to Congress a report on the intelligence capa-
7 bilities of State and local law enforcement agencies. Such
8 report shall include—

9 (1) an assessment of the ability of State and
10 local law enforcement agencies to analyze and fuse
11 intelligence community products with locally gath-
12 ered information;

13 (2) a description of existing procedures of the
14 intelligence community to share with State and local
15 law enforcement agencies the tactics, techniques,
16 and procedures for intelligence collection, data man-
17 agement, and analysis learned from global counter-
18 insurgency and counterterror operations;

19 (3) a description of current intelligence analysis
20 training provided by elements of the intelligence
21 community to State and local law enforcement agen-
22 cies;

23 (4) an assessment of the need for a formal in-
24 telligence training center to teach State and local
25 law enforcement agencies methods of intelligence col-
26 lection and analysis; and

1 (5) an assessment of the efficiency of co-locat-
2 ing such an intelligence training center with an ex-
3 isting intelligence community or military intelligence
4 training center.

5 **SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSI-**
6 **FICATION.**

7 (a) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Inspector General of the
9 Intelligence Community shall submit to Congress a report
10 containing an analysis of the problem of over-classification
11 of intelligence and ways to address such over-classifica-
12 tion, including an analysis of the importance of protecting
13 sources and methods while providing law enforcement and
14 the public with as much access to information as possible.

15 (b) FORM.—The report under subsection (a) shall be
16 submitted in unclassified form, but may include a classi-
17 fied annex.

18 **SEC. 359. REPORT ON THREAT FROM DIRTY BOMBS.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Director of National Intelligence, in
21 consultation with the Nuclear Regulatory Commission,
22 shall submit to Congress a report summarizing intelligence
23 related to the threat to the United States from weapons
24 that use radiological materials, including highly dispersible
25 substances such as cesium-137.

1 **SEC. 360. REPORT ON ACTIVITIES OF THE INTELLIGENCE**
2 **COMMUNITY IN ARGENTINA.**

3 (a) **IN GENERAL.**—Not later than 270 days after the
4 date of the enactment of this Act, the Director of National
5 Intelligence shall submit to the appropriate congressional
6 committees a report containing the following:

7 (1) A description of any information in the pos-
8 session of the intelligence community with respect to
9 the following events in the Republic of Argentina:

10 (A) The accession to power by the military
11 of the Republic of Argentina in 1976.

12 (B) Violations of human rights committed
13 by officers or agents of the Argentine military
14 and security forces during counterinsurgency or
15 counterterror operations, including by the State
16 Intelligence Secretariat (Secretaria de
17 Inteligencia del Estado), Military Intelligence
18 Detachment 141 (Destacamento de Inteligencia
19 Militar 141 in Cordoba), Military Intelligence
20 Detachment 121 (Destacamento Militar 121 in
21 Rosario), Army Intelligence Battalion 601, the
22 Army Reunion Center (Reunion Central del
23 Ejercito), and the Army First Corps in Buenos
24 Aires.

25 (C) Operation Condor and Argentina's role
26 in cross-border counterinsurgency or counter-

1 terror operations with Brazil, Bolivia, Chile,
2 Paraguay, or Uruguay.

3 (2) Information on abductions, torture, dis-
4 appearances, and executions by security forces and
5 other forms of repression, including the fate of Ar-
6 gentine children born in captivity, that took place at
7 detention centers, including the following:

8 (A) The Argentine Navy Mechanical
9 School (Escuela Mecanica de la Armada).

10 (B) Automotores Orletti.

11 (C) Operaciones Tacticas 18.

12 (D) La Perla.

13 (E) Campo de Mayo.

14 (F) Institutos Militares.

15 (3) An appendix of declassified records reviewed
16 and used for the report submitted under this sub-
17 section.

18 (4) A descriptive index of information referred
19 to in paragraph (1) or (2) that is classified, includ-
20 ing the identity of each document that is classified,
21 the reason for continuing the classification of such
22 document, and an explanation of how the release of
23 the document would damage the national security in-
24 terests of the United States.

1 (b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later
2 than two years after the date on which the report required
3 under subsection (a) is submitted, the Director of National
4 Intelligence shall review information referred to in para-
5 graph (1) or (2) of subsection (a) that is classified to de-
6 termine if any of such information should be declassified.

7 (c) FORM.—The report required under subsection (a)
8 shall be submitted in unclassified form, but may include
9 a classified annex.

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
11 DEFINED.—In this section, the term “appropriate con-
12 gressional committees” means the Permanent Select Com-
13 mittee on Intelligence and the Committee on Appropria-
14 tions of the House of Representatives and the Select Com-
15 mittee on Intelligence and the Committee on Appropria-
16 tions of the Senate.

17 **SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRAT-**
18 **EGY TO PROTECT DEPARTMENT OF DEFENSE**
19 **NETWORKS.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Director of the National Security
22 Agency shall submit to Congress a report on the strategy
23 of the National Security Agency with respect to securing
24 networks of the Department of Defense within the intel-
25 ligence community.

1 **SEC. 362. REPORT ON CREATION OF SPACE INTELLIGENCE**
2 **OFFICE.**

3 Not later than one year after the date of the enact-
4 ment of this Act, the Director of National Intelligence
5 shall submit to Congress a report on the feasibility and
6 advisability of creating a national space intelligence office
7 to manage space-related intelligence assets and access to
8 such assets.

9 **SEC. 363. PLAN TO SECURE NETWORKS OF THE INTEL-**
10 **LIGENCE COMMUNITY.**

11 (a) PLAN.—Not later than 180 days after the date
12 of the enactment of this Act, the President shall submit
13 to Congress a plan to secure the networks of the intel-
14 ligence community. Such plan shall include strategies
15 for—

16 (1) securing the networks of the intelligence
17 community from unauthorized remote access, intru-
18 sion, or insider tampering;

19 (2) recruiting, retaining, and training a highly-
20 qualified cybersecurity intelligence community work-
21 force and include—

22 (A) an assessment of the capabilities of
23 such workforce;

24 (B) an examination of issues of recruiting,
25 retention, and the professional development of
26 such workforce, including the possibility of pro-

1 viding retention bonuses or other forms of com-
2 pensation;

3 (C) an assessment of the benefits of out-
4 reach and training with both private industry
5 and academic institutions with respect to such
6 workforce; and

7 (D) an assessment of the impact of the es-
8 tablishment of the Department of Defense
9 Cyber Command on personnel and authorities
10 of the intelligence community;

11 (3) making the intelligence community work-
12 force and the public aware of cybersecurity best
13 practices and principles;

14 (4) coordinating the intelligence community re-
15 sponse to a cybersecurity incident;

16 (5) collaborating with industry and academia to
17 improve cybersecurity for critical infrastructure, the
18 defense industrial base, and financial networks;

19 (6) addressing such other matters as the Presi-
20 dent considers necessary to secure the
21 cyberinfrastructure of the intelligence community;
22 and

23 (7) reviewing procurement laws and classifica-
24 tion issues to determine how to allow for greater in-
25 formation sharing on specific cyber threats and at-

1 tacks between private industry and the intelligence
2 community.

3 (b) UPDATES.—Not later than 90 days after the date
4 on which the plan referred to in subsection (a) is sub-
5 mitted to Congress, and every 90 days thereafter until the
6 President submits the certification referred to in sub-
7 section (c), the President shall report to Congress on the
8 status of the implementation of such plan and the progress
9 towards the objectives of such plan.

10 (c) CERTIFICATION.—The President may submit to
11 Congress a certification that the objectives of the plan re-
12 ferred to in subsection (a) have been achieved.

13 **SEC. 364. REPORT ON MISSILE ARSENAL OF IRAN.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Director of National Intelligence
16 shall submit to the congressional intelligence committees
17 a report assessing the threat posed by the missile arsenal
18 of Iran to allies and interests of the United States in the
19 Persian Gulf.

20 **SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOV-**
21 **ERNMENTS IN COMBATING VIOLENT DOMES-**
22 **TIC EXTREMISM.**

23 (a) STUDY.—The Director of National Intelligence
24 shall conduct a study on the best practices of foreign gov-

1 ernments (including the intelligence services of such gov-
2 ernments) to combat violent domestic extremism.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Director of National In-
5 telligence shall submit to the congressional intelligence
6 committees a report containing the results of the study
7 conducted under subsection (a).

8 **SEC. 366. REPORT ON INFORMATION SHARING PRACTICES**
9 **OF JOINT TERRORISM TASK FORCE.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Director of the Federal Bureau of
12 Investigation shall submit to Congress a report on the best
13 practices or impediments to information sharing in the
14 Federal Bureau of Investigation-New York Police Depart-
15 ment Joint Terrorism Task Force, including ways in
16 which the combining of Federal, State, and local law en-
17 forcement resources can result in the effective utilization
18 of such resources.

19 **SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMA-**
20 **TION SHARING.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Director of National Intelligence
23 shall submit to Congress and the President a report de-
24 scribing the improvements to information technology need-
25 ed to enable elements of the Federal Government that are

1 not part of the intelligence community to better share in-
2 formation with elements of the intelligence community.

3 **SEC. 368. REPORT ON THREATS TO ENERGY SECURITY OF**
4 **THE UNITED STATES.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Director of National Intelligence
7 shall submit to Congress a report in unclassified form de-
8 scribing the future threats to describing the future threats
9 to the national security of the United States from contin-
10 ued and increased dependence of the United States on oil
11 sources from foreign nations.

Page 70, strike lines 1 through 7.

Page 74, line 16, strike “includes” and insert
“means”.

Page 75, line 24, strike the closing quotation mark
and the final period.

Page 75, after line 24, insert the following:

12 “(D) TERRORIST SCREENING PURPOSE.—
13 The term ‘terrorist screening purpose’ means—
14 “(i) the collection, analysis, dissemina-
15 tion, and use of terrorist identity informa-
16 tion to determine threats to the national
17 security of the United States from a ter-
18 rorist or terrorism; and

1 “(ii) the use of such information for
2 risk assessment, inspection, and
3 credentialing.”.

Page 86, line 11, strike “the congressional defense committees” and insert “Congress”.

Page 87, line 17, strike “the”.

At the end of subtitle E of title III (Page 88, after line 18), add the following new section:

4 **SEC. 369. SENSE OF CONGRESS ON MONITORING OF**
5 **NORTHERN BORDER OF THE UNITED STATES.**

6 (a) **FINDING.**—Congress finds that suspected terror-
7 ists have attempted to enter the United States through
8 the international land and maritime border of the United
9 States and Canada.

10 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
11 gress that—

12 (1) the intelligence community should devote
13 sufficient resources, including technological and
14 human resources, to identifying and thwarting po-
15 tential threats at the international land and mari-
16 time border of the United States and Canada; and

17 (2) the intelligence community should work
18 closely with the Government of Canada to identify

1 and apprehend suspected terrorists before such ter-
2 rorists enter the United States.

Page 96, line 14, insert after the period the following: "Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal."

At the end of subtitle A of title IV (Page 116, after line 6), add the following new section:

3 **SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUP-**
4 **PORT FOR REVIEWS OF INTERNATIONAL**
5 **TRAFFIC IN ARMS REGULATIONS AND EX-**
6 **PORT ADMINISTRATION REGULATIONS.**

7 The Director of National Intelligence may provide
8 support for any review conducted by a department or
9 agency of the Federal Government of the International
10 Traffic in Arms Regulations or Export Administration
11 Regulations, including a review of technologies and goods
12 on the United States Munitions List and Commerce Con-
13 trol List that may warrant controls that are different or
14 additional to the controls such technologies and goods are
15 subject to at the time of such review.

Strike section 411 (Page 116, line 9 and all that follows through line 2 on page 118) and insert the following new section:

1 **SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY IN-**
2 **SPECTOR GENERAL OF THE CENTRAL INTEL-**
3 **LIGENCE AGENCY.**

4 Section 17 of the Central Intelligence Agency Act of
5 1949 (50 U.S.C. 403q) is amended—

6 (1) in subsection (b)(4)—

7 (A) by striking “(4) If” and inserting
8 “(4)(A) If”; and

9 (B) by adding at the end the following new
10 subparagraph:

11 “(B) The Director may waive the requirement to sub-
12 mit the statement required under subparagraph (A) within
13 seven days of prohibiting an audit, inspection, or inves-
14 tigation under paragraph (3) if such audit, inspection, or
15 investigation is related to a covert action program. If the
16 Director waives such requirement in accordance with this
17 subparagraph, the Director shall submit the statement re-
18 quired under subparagraph (A) as soon as practicable,
19 along with an explanation of the reasons for delaying the
20 submission of such statement.”;

21 (2) in subsection (d)(1)—

22 (A) by redesignating subparagraphs (E)
23 and (F) as subsections (F) and (G), respec-
24 tively; and

25 (B) by inserting after subparagraph (D)
26 the following new subparagraph:

1 “(E) a list of the covert actions for which the
2 Inspector General has not completed an audit within
3 the preceding three-year period;” and

4 (3) by adding at the end the following new sub-
5 section:

6 “(h) COVERT ACTION DEFINED.—In this section, the
7 term ‘covert action’ has the meaning given the term in
8 section 503(e) of the National Security Act of 1947 (50
9 U.S.C. 413b(e)).”.

 Strike section 426 (Page 128, line 21 and all that
 follows through line 15 on page 129).

 Strike section 427 (Page 129, lines 16 through 25).

 Strike section 502 (Page 133, line 1 and all that fol-
 low through line 10 on page 134).

 At the end of subtitle A of title V (Page 135, after
 line 12), add the following new section:

10 **SEC. 505. CYBERSECURITY TASK FORCE.**

11 (a) ESTABLISHMENT.—There is established a cyber-
12 security task force (in this section referred to as the “Task
13 Force”).

14 (b) MEMBERSHIP.—

15 (1) IN GENERAL.—The Task Force shall con-
16 sist of the following members:

1 (A) One member appointed by the Attor-
2 ney General.

3 (B) One member appointed by the Director
4 of the National Security Agency.

5 (C) One member appointed by the Director
6 of National Intelligence.

7 (D) One member appointed by the White
8 House Cybersecurity Coordinator.

9 (E) One member appointed by the head of
10 any other agency or department that is des-
11 ignated by the Attorney General to appoint a
12 member to the Task Force.

13 (2) CHAIR.—The member of the Task Force
14 appointed pursuant to paragraph (1)(A) shall serve
15 as the Chair of the Task Force.

16 (c) STUDY.—The Task Force shall conduct a study
17 of existing tools and provisions of law used by the intel-
18 ligence community and law enforcement agencies to pro-
19 tect the cybersecurity of the United States.

20 (d) REPORT.—

21 (1) INITIAL.—Not later than one year after the
22 date of the enactment of this Act, the Task Force
23 shall submit to Congress a report containing guide-
24 lines or legislative recommendations to improve the
25 capabilities of the intelligence community and law

1 enforcement agencies to protect the cybersecurity of
2 the United States. Such report shall include guide-
3 lines or legislative recommendations on—

4 (A) improving the ability of the intelligence
5 community to detect hostile actions and at-
6 tribute attacks to specific parties;

7 (B) the need for data retention require-
8 ments to assist the intelligence community and
9 law enforcement agencies;

10 (C) improving the ability of the intelligence
11 community to anticipate nontraditional targets
12 of foreign intelligence services; and

13 (D) the adequacy of existing criminal stat-
14 utes to successfully deter cyber attacks, includ-
15 ing statutes criminalizing the facilitation of
16 criminal acts, the scope of laws for which a
17 cyber crime constitutes a predicate offense,
18 trespassing statutes, data breach notification
19 requirements, and victim restitution statutes.

20 (2) SUBSEQUENT.—Not later than one year
21 after the date on which the initial report is sub-
22 mitted under paragraph (1), and annually thereafter
23 for two years, the Task Force shall submit to Con-
24 gress an update of the report required under para-
25 graph (1).

1 (e) TERMINATION.—The Task Force shall terminate
2 on the date that is 60 days after the date on which the
3 last update of a report required under subsection (d)(2)
4 is submitted.

5 **SEC. 506. CRUEL, INHUMAN, AND DEGRADING TREATMENT**
6 **IN INTERROGATIONS PROHIBITED.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Cruel, Inhuman, and Degrading Interrogations Prohibi-
9 tion Act of 2010”.

10 (b) FINDINGS.—The Congress finds the following:

11 (1) The United States is a world power and an
12 exemplar of the merits of due process and the rule
13 of law.

14 (2) The use of torture and cruel, inhuman, and
15 degrading treatment harms our servicemen and
16 women because it removes their assurance that they
17 are operating under a legally acceptable standard,
18 brings discredit upon the US and its forces, and
19 may place US and allied personnel in enemy hands
20 at a greater risk of abuse by their captors.

21 (3) The use of torture and cruel, inhuman, and
22 degrading treatment gives propaganda and recruit-
23 ment tools to those who wish to do harm to the peo-
24 ple of the United States.

1 (4) Torture and cruel, inhuman, and degrading
2 treatment do not produce consistently reliable infor-
3 mation or intelligence, and are not acceptable prac-
4 tices because their use runs counter to our identity
5 and values as a nation.

6 (5) The moral standards that reflect the values
7 of the United States governing appropriate tactics
8 for interrogations do not change according to the
9 dangers that we face as a nation.

10 (6) Every effort must be made to ensure that
11 the United States is a nation governed by the rule
12 of law in every circumstance.

13 (7) Executive Order 13491 requires those inter-
14 rogating persons detained as a result of armed con-
15 flicts to follow the standards set out in Army Field
16 Manual FM 2-22.3.

17 (8) The Congress should act in affirmation of
18 its principles and the Executive Order 13491 by en-
19 acting standards for interrogations and providing
20 criminal liability for those who do not adhere to the
21 enacted standards.

22 (9) The courageous men and women who serve
23 honorably as intelligence personnel and as members
24 of our nation's Armed Forces deserve the full sup-
25 port of the United States Congress. The Congress

1 shows true support, in part, by providing clear legis-
2 lation relating to standards for interrogation tech-
3 niques.

4 (c) CRUEL, INHUMAN, OR DEGRADING TREATMENT
5 PROHIBITED.—Part I of title 18, United States Code, is
6 amended by inserting after chapter 26 the following:

7 **“CHAPTER 26A—CRUEL, INHUMAN, OR**
8 **DEGRADING TREATMENT**

“531. Cruel, inhuman, or degrading treatment.

“532. Definitions.

“533. Application.

“534. Exclusive remedies.

9 **“§ 531. Cruel, inhuman, or degrading treatment**

10 “Any officer or employee of the intelligence commu-
11 nity who, in the course of or in anticipation of a covered
12 interrogation, knowingly commits, attempts to commit, or
13 conspires to commit an act of cruel, inhuman, or degrad-
14 ing treatment—

15 “(1) if death results from that act to the indi-
16 vidual under interrogation, shall be fined under this
17 title or imprisoned for any term of years or for life;

18 “(2) if that act involves an act of medical mal-
19 feasance (as defined in section 1371), shall be fined
20 under this title or imprisoned for not more than 20
21 years, or both; and

1 “(3) in any other case, shall be fined under this
2 title or imprisoned for not more than 15 years, or
3 both.

4 **“§ 532. Definitions**

5 “In this chapter:

6 “(1) The term ‘act of cruel, inhuman, or de-
7 grading treatment’ means the cruel, unusual, and in-
8 human treatment or punishment prohibited by the
9 Fifth, Eighth, and Fourteenth Amendments to the
10 Constitution of the United States, as defined in the
11 United States Reservations, Declarations and Un-
12 derstandings to the United Nations Convention
13 Against Torture and Other Forms of Cruel, Inhu-
14 man or Degrading Treatment or Punishment done
15 at New York, December 10, 1984, and includes but
16 is not limited to the following:

17 “(A) Any of the following acts, knowingly
18 committed against an individual:

19 “(i) Forcing the individual to be
20 naked, perform sexual acts, or pose in a
21 sexual manner.

22 “(ii) Beatings, electric shock, burns,
23 or other forms of inflicting physical pain.

24 “(iii) Waterboarding.

25 “(iv) Using military working dogs.

1 “(v) Inducing hypothermia or heat in-
2 jury.

3 “(vi) Depriving the individual of nec-
4 essary food, water, sleep, or medical care.

5 “(vii) Conducting mock executions of
6 the individual.

7 “(B) Any of the following acts, when com-
8 mitted with the intent to cause mental or phys-
9 ical harm to an individual:

10 “(i) Using force or the threat of force
11 to compel an individual to maintain a
12 stress position.

13 “(ii) Exploiting phobias of the indi-
14 vidual.

15 “(iii) Using force or the threat of
16 force to coerce an individual to desecrate
17 the individual’s religious articles, or to
18 blaspheme his or her religious beliefs, or to
19 otherwise participate in acts intended to
20 violate the individual’s religious beliefs.

21 “(iv) Making threats against any indi-
22 vidual that, if carried out, would result in
23 death or serious bodily injury (as defined
24 in section 1365(4)) to that individual.

1 “(v) Exposure to excessive cold, heat,
2 or cramped confinement.

3 “(vi) Sensory deprivation or overload,
4 including the following:

5 “(I) Prolonged isolation.

6 “(II) Placing hoods or sacks over
7 the head of the individual.

8 “(III) Applying duct tape over
9 the eyes of the individual.

10 “(C) Any act that causes pain or suffering
11 to an individual equivalent to the acts described
12 in subparagraph (B) or (C).

13 “(2) The term ‘covered interrogation’ means an
14 interrogation, including an interrogation conducted
15 outside the United States, conducted—

16 “(A) in the course of the official duties of
17 an officer or employee of the Federal govern-
18 ment; and

19 “(B) under color of Federal law or author-
20 ity of Federal law.

21 “(3) The term ‘intelligence community’ has the
22 meaning given such term under section 3(4) of the
23 National Security Act of 1947 (50 U.S.C. 401a(4)).

1 “(4) The term ‘interrogation’ means the ques-
2 tioning of an individual for the purpose of gathering
3 information for intelligence purposes.

4 “(5) The term ‘US national’ means any na-
5 tional of the United States as defined in section 101
6 of the Immigration and Nationality Act.

7 “(6) The term ‘United States’ means the sev-
8 eral States of the United States, the District of Co-
9 lumbia, and the commonwealths, territories, and
10 possessions of the United States.

11 “(7) The term ‘waterboarding’ includes any act
12 in which an individual is immobilized on the individ-
13 ual’s back with the individual’s head inclined down-
14 wards, while water is poured over the individual’s
15 face and breathing passages.

16 **“§ 533. Application**

17 “Section 531 applies to any alleged offender who is—

18 “(1) a US national; or

19 “(2) any officer, employee, or contractor (in-
20 cluding a subcontractor at any tier and any em-
21 ployee of that contractor or subcontractor) of the
22 Federal Government—

23 “(A) who is not a US national; and

24 “(B) while acting in that capacity.

1 **“§ 534. Exclusive remedies**

2 “Nothing in this chapter shall be construed as pre-
3 cluding the application of State or local laws on the same
4 subject, nor shall anything in this chapter be construed
5 as creating any substantive or procedural right enforceable
6 by law by any party in any civil proceeding.”.

7 (d) **MEDICAL MALFEASANCE.**—Part I of title 18,
8 United States Code, is amended by inserting after chapter
9 65 the following:

10 **“CHAPTER 66—MEDICAL MALFEASANCE**

“1371. Medical malfeasance.

“1372. Definitions.

11 **“§ 1371. Medical malfeasance**

12 “Any medical professional who, in the course of or
13 in anticipation of a covered interrogation (as defined in
14 section 532(2)), knowingly commits, attempts to commit,
15 or conspires to commit an act of medical malfeasance with
16 the intent to enable an act of cruel, inhuman, and degrad-
17 ing treatment shall be fined under this title or imprisoned
18 not more than 5 years, or both.

19 **“§ 1372. Definitions**

20 “In this chapter:

21 “(1) The term ‘medical professional’ means any
22 individual who—

23 “(A) has received professional training,
24 education, or knowledge in a health-related field

1 (including psychology) and who provides serv-
2 ices in that field; and

3 “(B) is a contractor (including a subcon-
4 tractor at any tier and any employee of that
5 contractor or subcontractor), officer, or em-
6 ployee of the intelligence community (as defined
7 in section 3(4) of the National Security Act of
8 1947 (50 U.S.C. 401a(4))).

9 “(2) The term ‘covered interrogee’ means an in-
10 dividual who is interrogated in a covered interroga-
11 tion (as defined in section 532(2) of this title).

12 “(3) The term ‘act of medical malfeasance’—

13 “(A) means the use by a medical profes-
14 sional of his or her training, education, or
15 knowledge in a health-related field to cause a
16 significant adverse effect on the physical or
17 mental health of a covered interrogee; and

18 “(B) includes but is not limited to any of
19 the following contraventions of the principles of
20 medical ethics with respect to a covered
21 interrogee:

22 “(i) To be involved in any professional
23 relationship with a covered interrogee, the
24 purpose of which is not solely to evaluate,

1 protect, or improve the physical and men-
2 tal health of that covered interrogee.

3 “(ii) To fail to protect the physical or
4 mental health of a covered interrogee in
5 the same way as a medical professional
6 would protect the physical or mental health
7 of any prisoner of war pursuant to Article
8 15 of the Convention Relative to the Treat-
9 ment of Prisoners of War, done at Geneva,
10 August 12, 1949 (6 UST 3316).

11 “(iii) To fail to treat any disease or
12 condition of the covered interrogee in the
13 same way as a medical professional would
14 treat a disease or condition of any prisoner
15 of war pursuant to Article 15 of the Con-
16 vention Relative to the Treatment of Pris-
17 oners of War, done at Geneva August 12,
18 1949 (6 UST 3316).

19 “(iv) To certify, or to participate in
20 the certification of, the fitness of a covered
21 interrogee for any form of treatment or
22 punishment that may have a significant
23 adverse effect on the physical or mental
24 health of the covered interrogee.

1 “(v) To participate in any way in the
2 infliction of any treatment or punishment
3 referred to in clause (iv).

4 “(vi) To participate in any procedure
5 for restraining a covered interrogee unless
6 such a procedure is determined, in accord-
7 ance with purely medical criteria, as being
8 necessary for the protection of the physical
9 or mental health of the covered interrogee
10 or of others, and presents no additional
11 hazard to the covered interrogee’s physical
12 or mental health.”.

13 (e) CLERICAL AMENDMENTS.—The table of chapters
14 at the beginning of part I of title 18, United States Code,
15 is amended—

16 (1) by inserting, after the item relating to
17 “Criminal street gangs” the following:

 “26A. Cruel, inhuman, or degrading treatment531”; and

18 (2) by inserting, after the item relating to “Ma-
19 licious mischief” the following:

 “66. Medical malfeasance 1371”.

