

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2701) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2010 FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES OF THE UNITED STATES GOVERNMENT, THE COMMUNITY MANAGEMENT ACCOUNT, AND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM, AND FOR OTHER PURPOSES, WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

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FEBRUARY 24, 2010.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS of Florida, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 1105]

The Committee on Rules, having had under consideration House Resolution 1105, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2701, the “Intelligence Authorization Act for Fiscal Year 2010,” under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The resolution waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI.

The resolution provides that the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution further makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally di-

vided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments made in order are waived except those arising under clause 9 or 10 of rule XXI.

The resolution provides one motion to recommit with or without instructions. The resolution provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Permanent Select Committee on Intelligence or a designee. The resolution provides that the Chair may not entertain a motion to strike out the enacting words of the bill. The resolution provides that after passage of H.R. 2701, it shall be in order to consider in the House S. 1494. The resolution waives all points of order against the Senate bill and against its consideration. The resolution provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2701 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1494 and request a conference with the Senate.

The resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported from the Rules Committee through the legislative day of Friday, February 26, 2010. The resolution authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of Friday, February 26, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this authority.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clause 9 of rule XXI) includes prophylactic waivers of (1) section 302(f) of the Congressional Budget Act (prohibiting consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority) because the total budget authority authorized in the bill is classified and therefore unavailable; and (2) clause 10 of rule XXI (regarding measures affecting direct spending or revenues that have the net effect of increasing the deficit or reducing the surplus for either the period comprising the next five fiscal years or the period comprising the next ten fiscal years) because the classified annex of the bill is unavailable for review. The Committee understands, however, that the unclassified portion of the bill does not violate clause 10 of rule XXI.

The waiver of all points of order against the committee amendment in the nature of a substitute includes a waiver of: (1) clause 7 of rule XVI (regarding germaneness); and (2) a prophylactic waiver of clause 10 of rule XXI (regarding measures affecting direct spending or revenues that have the net effect of increasing the deficit or reducing the surplus for either the period comprising the next five fiscal years or the period comprising the next ten fiscal years) because the classified annex of the bill is unavailable for re-

view. The Committee understands, however, that the unclassified portion of the bill does not violate clause 10 of rule XXI.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee record vote No. 312*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Dreier.

Summary of motion: To limit sections 4 and 5 of the rule to legislation relating to jobs and/or expiring provisions.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 313*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hoekstra (MI), #63, which would require the CIA to release publicly unclassified versions of documents relating to the use of enhanced interrogation techniques.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 314*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hoekstra (MI), #72, which would require the DNI to submit a report detailing any steps taken to fix problems identified in the President's Fort Hood intelligence review prior to December 25, 2009.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 315*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hoekstra (MI), #74, which would set a process for authorization and notification of covert actions that may result in the death of a targeted U.S. citizen.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 316*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Lincoln Diaz-Balart of Florida.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Thornberry (TX), #8, which would update the National Security Act of 1947 (50 U.S.C. sec. 413) by setting the first statutory requirement that every Member of the congressional intelligence committees shall be briefed on intelligence and covert activities while protecting the President's prerogative as Commander-in-Chief to limit sensitive information. The amendment requires agreement between the chair and ranking member to modify the President's request to limit information. The amendment defines the phrase "significant undertaking" in law pertaining to covert action.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 317*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Lincoln Diaz-Balart of Florida.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hoekstra (MI), #62, which would direct the DNI to establish a panel to review intelligence relating to weapons of mass destruction programs of Iran.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 318*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Lincoln Diaz-Balart of Florida.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Rogers (MI), #51, which would prohibit employees of the Federal government from providing Miranda warnings to a foreign terrorist suspect while in custody of an element of the Intelligence Community unless the Defense Secretary, Homeland Security Secretary, CIA Director, and National Counterterrorism Center Director each certify that all actionable intelligence has been acquired.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 319*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Rogers (MI), #58, which would prohibit funds authorized in this act to be used to support the criminal prosecution of any Federal employee for carrying out a counterterrorism program between September 11, 2001, and January 20, 2009, who conformed to legal advice provided by Department of Justice.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 320*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Hoekstra (MI), #71, which would prohibit funds from being used to bring Guantanamo Bay detainees into the United States.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 321*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gingrey (GA), #5, which would prohibit any funds authorized in the bill from being used to transfer any Guantanamo Bay detainee to a nation or region recognized by the State Department or Defense Department as a safe haven or state sponsor of terrorism.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 322*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Schock (IL), Rep. Shimkus (IL), Rep. McKeon (CA), Rep. Roskam (IL), Rep. Johnson (IL), Rep. Kirk (IL), Rep. Biggert (IL) and Rep. Manzullo (IL), #67, which would

prohibit funds from being used to relocate any persons detained at Guantanamo Bay to Thomson, Illinois.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 323*

Date: February 24, 2010.

Measure: H.R. 2701.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Schock (IL), Rep. Shimkus (IL), Rep. Roskam (IL), Rep. Johnson (IL), Rep. Kirk (IL), Rep. Bigert (IL), and Rep. Manzullo (IL), #68, which would require, 90 days before the proposed transfer to the United States of any persons detained at Guantanamo Bay, currently classified information regarding the legal name of the detainee, country of residence, act of terrorism committed, and behavioral record since capture be declassified and released to the public.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Reyes (TX): Would (1) correct funding and personnel totals for the Intelligence Community Management Account, (2) revise Section 321 to better address reform of covert action reporting process, (3) technical changes to the GAO audit provisions, including language allowing any committee of jurisdiction to request a GAO report on an intelligence matter, (4) addition to GAO audit provisions to ensure proper handling of classified material, (5) direct FBI Director to consult with the Secretary of State in its review of extraterritorial jurisdiction of U.S. law, (6) remove a provision repealing a reporting requirement on the Terrorist Identification Classification System, (7) modify requirement for CIA Inspector General investigations into covert actions, (8) remove section 426, which required Senate confirmation for NSA General Counsel, (9) remove section 427, which established a statutory NSA Inspector General, and (10) make additional technical changes to H.R. 2701. It also (11) Would direct the DNI to create a program designated for funding Historically Black Colleges and Universities and providing grants to be used to introduce courses of study that meet the emerging needs of the U.S. intelligence community; (12) Would require the Director of National Intelligence, along with the Attorney General, to provide a report on how the United States will balance intelligence collection needs with the interest of the United States in prosecuting terrorist suspects; (13) Would require the DNI to report to Congress on the dissemination of critical counterterrorism intelligence information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law

enforcement agencies; (14) Would require the DNI to report to Congress on intelligence capabilities of state and local law enforcement and those being provided by the Intelligence Community and Federal agencies. The report also would assess (1) the need for a formal intelligence training center to teach state and local law enforcement agencies methods of intelligence collection and analysis, and (2) the efficiency of collocating such a center with an existing intelligence community center or military intelligence training center; (15) Directs the Inspector General of the Intelligence Community to analyze the problem of over-classification of intelligence. It requires a report to Congress on the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible; (16) Would require the DNI, in consultation with the Nuclear Regulatory Commission, to report to Congress summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly-dispersible substances such as cesium-137; (17) Would direct the DNI to identify any critical gaps in foreign language proficiency and provide recommendations for eliminating such gaps. Such recommendations would be included in the "Annual Report on Foreign Language Proficiency in the Intelligence Community" and be submitted to the congressional intelligence and defense committees; (18) Would require the DNI to report to the congressional intelligence committees on information in possession of the intelligence community with regard to the human rights violations of the Argentine military government from the mid-1970's until the mid-1980's and abductions and disappearances that occurred during that time. The amendment instructs the inclusion of an appendix of declassified documents used for the report and authorizes the inclusion of a classified annex; (19) Would require the NSA to report to Congress on the strategy of the NSA with respect to securing networks of the Department of Defense within the intelligence community; (20) Would require a report to Congress by the Director of National Intelligence on the feasibility and advisability of creating a space intelligence office to manage space-related intelligence assets; (21) Would require the President to submit to the Congress a plan to secure the networks of the Federal government; (22) Would require the DNI to report to the congressional intelligence committees on the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf; (23) Would require the DNI to study and report to the congressional intelligence committees on the best practices of foreign governments to combat violent domestic extremism; (24) Would define cruel, inhuman, and degrading treatment in the context of intelligence interrogations, and provides a penalty of up to 15 years in prison for the use of this treatment during an interrogation. It also addresses the role of medical professionals in interrogations, and provides a criminal penalty of up to 5 years in jail for medical professionals who enable the use of cruel, inhuman, and degrading treatment; (25) Would require the FBI director to report to Congress on best practices or impediments to information sharing in the FBI-NYPD Joint Terrorism Task Force, including ways in which the combining of federal, state, and local law enforcement resources can result in the effective utilization of such resources; (26) Would require the Director of National Intelligence

to submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with the intelligence community; (27) Would establish the Cybersecurity Task Force to analyze the current cybersecurity tools available to the Intelligence Community and to make a set of specific and comprehensive legislative recommendations on ways to improve those tools or strengthen federal statutes to better prevent and deter cybercrime and cyberterrorism; (28) Would add a sense of Congress that finds suspected terrorists have attempted to enter the United States through our international and maritime border with Canada and states that our intelligence community should devote sufficient resources to identifying and thwarting future threats at the northern border; (29) Would broaden the Global Supply Chain review to include the risks not only from counterfeit products but from original products. The amended review also includes services; (30) Would clarify that the DNI may participate in and support any federal review of the export control systems; and (31) Would require the DNI to report to Congress on future threats to the national security of the United States from continued and increased dependence on oil from foreign nations. (20 minutes)

2. Hoekstra (MI): Would require the Director of the CIA, within 30 days, to publicly issue an unclassified version of the CIA Inspector General's report entitled "Procedures Used In Narcotics Airbridge Denial Program in Peru, 1995–2001," dated August 25, 2008. (10 minutes)

3. Hastings, Alcee (FL): Would require the DNI, in coordination with the heads of the elements of the intelligence community, to submit to Congress a report on the plans of each element of the community, including the Office of the Director of National Intelligence, to increase diversity within that element. (10 minutes)

4. Rogers, Mike (MI): Would prohibit funds in the Act from being used to implement the FBI's Field Office Supervisory Term Limit Policy requiring the mandatory reassignment of a supervisor after a specific term of years. (10 minutes)

5. Eshoo (CA), Tierney (MA), Boren (OK), Schakowsky (IL), Thompson, Mike (CA), Holt (NJ), Rogers, Mike (MI), Myrick (NC): Would require the Director of National Intelligence to establish an intelligence community-wide conflict of interest regulation working in conjunction with the Office of Government Ethics; to establish a community-wide process for checking outside employment for conflicts of interest, and also to submit an annual report to the intelligence committees on all outside employment activities that were approved in the last year. The amendment would also prohibit Intelligence Community government employees from owning companies that sell skills related to their government service. (10 minutes)

6. Conaway (TX): Would express the sense of Congress that it is imperative intelligence community-wide auditability be achieved as soon as possible and the National Reconnaissance Office should be commended for achieving a clean audit. (10 minutes)

7. Arcuri (NY): Would require the President to submit detailed notifications to Congress on current and newly-created cybersecurity programs. (10 minutes)



8. Burton (IN): Would express the sense of Congress honoring members of the Central Intelligence Agency for their dedication to the protection of the United States and expressing appreciation for their unique role in combating terrorism and crucial support of U.S. military operations. (10 minutes)

9. Holt (NJ), Bartlett (MD): Would direct the Inspector General of the Intelligence Community to review available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax. (10 minutes)

10. Castle (DE), Lynch (MA): Would require the President, acting through the Treasury Secretary, to submit to Congress the report required under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). (10 minutes)

11. Walz (MN): Would require the intelligence community (“IC”) to take actions to educate security clearance adjudicators on the nature of post-traumatic stress disorder in combat veterans as each IC component sees fit. (10 minutes)

12. Schauer (MI): Would require the DNI to investigate and report to Congress regarding the attempted terrorist attack on Northwest flight 253 and measures the intelligence community has taken or will take to prevent any intelligence failures within or between elements of the U.S. intelligence community. (10 minutes)

#### TEXT OF AMENDMENTS TO BE MADE IN ORDER

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

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:

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

“(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

“(A) Foreign languages, including Middle Eastern and South Asian dialects.

“(B) Computer science.

“(C) Analytical courses.

“(D) Cryptography.

“(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) ANALYTICAL COURSES.—The term ‘analytical courses’ mean programs of study involving—

“(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

“(B) analysis of counterterrorism, crime, and counter-narcotics;

“(C) economic analysis that includes analyzing and interpreting economic trends and developments;

“(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

“(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

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

“(4) COMPUTER SCIENCE.—The term ‘computer science’ means a program of study in computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

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

“(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term ‘historically black college and university’ means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

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

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

“(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

“(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:

(2) in subsection (c)—

(A) in paragraph (1), by inserting “in writing” after “be reported”;

(B) in paragraph (2), by striking “If the President” and inserting “Subject to paragraph (5), if the President”; and

(C) by adding at the end the following new paragraph:

“(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

“(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

“(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

“(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.”;

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

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting “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:

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

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

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

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

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

- (A) military personnel; and
- (B) civilian personnel;
- (4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;
- (5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;
- (6) the number of personnel of such element currently attending foreign language training, including the provider of such training;
- (7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;
- (8) an assessment of methods and models for basic, advanced, and intensive foreign language training;
- (9) for each foreign language and, as appropriate, dialect of a foreign language—
  - (A) the number of positions of such element that require proficiency in the foreign language or dialect;
  - (B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;
  - (C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;
  - (D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;
  - (E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;
  - (F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;
  - (G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;
  - (H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;
  - (I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and
  - (J) the percentage of work requiring linguistic skills that is fulfilled by contractors;
- (10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;
- (11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;
- (12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of Na-

tional Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

Page 45, beginning on line 18, strike “one of the congressional intelligence committees” and insert “a committee 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:

“(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

“(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

“(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.”.

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

Page 48, line 19, strike “biannually” and insert “biennially”.

Page 62, line 14, strike “**NATIONAL INTELLIGENCE ESTIMATE**” and insert “**REPORT**”.

Page 62, beginning on line 18, strike “National Intelligence 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 determine 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 government 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:

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

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

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

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

**SEC. 356. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

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

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

- (1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;
- (2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterror operations;
- (3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;
- (4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and
- (5) an assessment of the efficiency of co-locating such an intelligence training center with an existing intelligence community or military intelligence training center.

**SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.**

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

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

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

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

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

- (1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:
  - (A) The accession to power by the military of the Republic of Argentina in 1976.
  - (B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including

by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

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

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

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

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

**SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.**

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

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

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national



space intelligence office to manage space-related intelligence assets and access to such assets.

**SEC. 363. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.**

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

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

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

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

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) UPDATES.—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) CERTIFICATION.—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

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

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

**SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.**

(a) **STUDY.**—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

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

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

**SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

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

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil 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:

“(D) **TERRORIST SCREENING PURPOSE.**—The term ‘terrorist screening purpose’ means—

“(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

“(ii) the use of such information for risk assessment, inspection, and 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:

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

(a) FINDING.—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists 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:

**SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.**

The Director of National Intelligence may provide support for any review conducted by a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are 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:

**SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.**

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

(1) in subsection (b)(4)—

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

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

“(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.”;

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

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

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

(3) by adding at the end the following new subsection:

“(h) COVERT ACTION DEFINED.—In this section, the term ‘covert action’ has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 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 follow 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:

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

(a) ESTABLISHMENT.—There is established a cybersecurity task force (in this section referred to as the “Task Force”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

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

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

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

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

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

(c) STUDY.—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) REPORT.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

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

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing

the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) **SUBSEQUENT.**—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

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

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

(a) **SHORT TITLE.**—This section may be cited as the “Cruel, Inhuman, and Degrading Interrogations Prohibition Act of 2010”.

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

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

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

(3) The use of torture and cruel, inhuman, and degrading treatment gives propaganda and recruitment tools to those who wish to do harm to the people of the United States.

(4) Torture and cruel, inhuman, and degrading treatment do not produce consistently reliable information or intelligence, and are not acceptable practices because their use runs counter to our identity and values as a nation.

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

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

(7) Executive Order 13491 requires those interrogating persons detained as a result of armed conflicts to follow the standards set out in Army Field Manual FM 2–22.3.

(8) The Congress should act in affirmation of its principles and the Executive Order 13491 by enacting standards for interrogations and providing criminal liability for those who do not adhere to the enacted standards.

(9) The courageous men and women who serve honorably as intelligence personnel and as members of our nation’s Armed Forces deserve the full support of the United States Congress. The Congress shows true support, in part, by providing clear legislation relating to standards for interrogation techniques.

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

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

- “531. Cruel, inhuman, or degrading treatment.
- “532. Definitions.
- “533. Application.
- “534. Exclusive remedies.

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

“Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhuman, or degrading treatment—

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

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

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

**“§ 532. Definitions**

“In this chapter:

“(1) The term ‘act of cruel, inhuman, or degrading treatment’ means the cruel, unusual, and inhuman treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984, and includes but is not limited to the following:

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

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

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

“(iii) Waterboarding.

“(iv) Using military working dogs.

“(v) Inducing hypothermia or heat injury.

“(vi) Depriving the individual of necessary food, water, sleep, or medical care.

“(vii) Conducting mock executions of the individual.

“(B) Any of the following acts, when committed with the intent to cause mental or physical harm to an individual:

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

“(ii) Exploiting phobias of the individual.

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

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

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

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

“(I) Prolonged isolation.

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

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

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

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

“(A) in the course of the official duties of an officer or employee of the Federal government; and

“(B) under color of Federal law or authority of Federal law.

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

“(4) The term ‘interrogation’ means the questioning of an individual for the purpose of gathering information for intelligence purposes.

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

“(6) The term ‘United States’ means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

“(7) The term ‘waterboarding’ includes any act in which an individual is immobilized on the individual’s back with the individual’s head inclined downwards, while water is poured over the individual’s face and breathing passages.

### “§ 533. Application

“Section 531 applies to any alleged offender who is—

“(1) a US national; or

“(2) any officer, employee, or contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor) of the Federal Government—

“(A) who is not a US national; and

“(B) while acting in that capacity.

### “§ 534. Exclusive remedies

“Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.”.

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

**“CHAPTER 66—MEDICAL MALFEASANCE**

“1371. Medical malfeasance.

“1372. Definitions.

**“§ 1371. Medical malfeasance**

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

**“§ 1372. Definitions**

“In this chapter:

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

“(A) has received professional training, education, or knowledge in a health-related field (including psychology) and who provides services in that field; and

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

“(2) The term ‘covered interrogee’ means an individual who is interrogated in a covered interrogation (as defined in section 532(2) of this title).

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

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

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

“(i) To be involved in any professional relationship with a covered interrogee, the purpose of which is not solely to evaluate, protect, or improve the physical and mental health of that covered interrogee.

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

“(iii) To fail to treat any disease or condition of the covered interrogee in the same way as a medical professional would treat a disease or condition of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).



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

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

“(vi) To participate in any procedure for restraining a covered interrogee unless such a procedure is determined, in accordance with purely medical criteria, as being necessary for the protection of the physical or mental health of the covered interrogee or of others, and presents no additional hazard to the covered interrogee’s physical or mental health.”.

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

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

“26A. Cruel, inhuman, or degrading treatment ..... 531”;  
and

(2) by inserting, after the item relating to “Malicious mischief” the following:

“66. Medical malfeasance ..... 1371”.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOEKSTRA, PETER OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 the following new section:

**SEC. 355. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.**

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled “Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995–2001”, dated August 25, 2008.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS, ALCEE OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 352 the following new section:

**SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.**

(a) FINDINGS.—Congress finds the following:

(1) To most effectively carry out the mission of the intelligence community to collect and analyze intelligence, the intelligence community needs personnel that look and speak like the citizens of the many nations in which the United States needs to collect such intelligence.

(2) One of the great strengths of the United States is the diversity of the people of the United States, diversity that can

positively contribute to the operational capabilities and effectiveness of the intelligence community.

(3) In the past, the intelligence community has not properly focused on hiring a diverse workforce and the capabilities of the intelligence community have suffered due to that lack of focus.

(4) The intelligence community must be deliberate and work hard to hire a diverse workforce to improve the operational capabilities and effectiveness of the intelligence community.

(b) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(c) CONTENT.—The report required by subsection (b) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS, MIKE OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 349 (page 64, lines 8 through 24) and insert the following new section:

**SEC. 349. FEDERAL BUREAU OF INVESTIGATION FIELD OFFICE SUPERVISORY TERM LIMIT POLICY.**

None of the funds authorized to be appropriated by this Act may be used to implement the field office supervisory term limit policy of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ESHOO, ANNA OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title III, add the following new section:

**SEC. 305. CONFLICT OF INTEREST REGULATIONS AND PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT FOR INTELLIGENCE COMMUNITY EMPLOYEES.**

(a) CONFLICT OF INTEREST REGULATIONS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new subsection:

“(s) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

“(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.”.

(b) OUTSIDE EMPLOYMENT.—

(1) PROHIBITION.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

“PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT OF OFFICERS AND EMPLOYEES OF THE INTELLIGENCE COMMUNITY

“SEC. 120. An officer or employee of an element of the intelligence community may not personally own or effectively control an entity that markets or sells for profit the use of knowledge or skills that such officer or employee acquires or makes use of while carrying out the official duties of such officer or employee as an officer or employee of an element of the intelligence community.”.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note) is further amended by inserting after the item relating to section 119B the following new item:

“Sec. 120. Prohibition on certain outside employment of officers and employees of the intelligence community.”.

Page 71, strike line 11 and insert “section 510.”.

Page 71, after line 11 insert the following:

“(K) The annual report on outside employment required by section 102A(s)(2).”.

**6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONAWAY, MICHAEL OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 87, strike line 21 and all that follows through page 88, line 9, and insert the following:

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is imperative that intelligence community-wide auditability be achieved as soon as possible;

(2) the Business Transformation Office of the Office of the Director of National Intelligence has made substantial progress and must be of sufficient standing within the Office of the Director of National Intelligence to move the plan for core finan-

cial system requirements to reach intelligence community-wide auditability forward;

(3) as of the date of the enactment of this Act, the National Reconnaissance Office is the only element of the intelligence community to have received a clean audit; and

(4) the National Reconnaissance Office should be commended for the long hours and hard work invested by the Office to achieve a clean audit.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ARCURI, MICHAEL OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 the following new section:

**SEC. 355. CYBERSECURITY OVERSIGHT.**

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in para-

graph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (a)(2)(A); and

(II) the assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 180 days after the date of the enactment of this Act.

(B) A second report shall be submitted not later than one year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically following the submission of the reports referred to in subparagraphs (A) and (B) as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by the Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) SUNSET.—The requirements and authorities of this section shall terminate on December 31, 2012.

(f) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term “cybersecurity program” means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term “National Cyber Investigative Joint Task Force” means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURTON, DAN OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 135, after line 12, insert the following new section:

**SEC. 505. SENSE OF CONGRESS HONORING THE CONTRIBUTIONS OF THE CENTRAL INTELLIGENCE AGENCY.**

It is the sense of Congress to—

- (1) honor the Central Intelligence Agency for its contributions to the security of the United States and its allies;
- (2) recognize the Central Intelligence Agency's unique role in combating terrorism;
- (3) praise the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al-Qaeda;
- (4) thank the Central Intelligence Agency for its crucial support of United States military operations in Afghanistan and Iraq;
- (5) commend the men and women who gave their lives defending the United States in the service of the Central Intelligence Agency, especially noting those individuals who remain unnamed; and
- (6) urge the Central Intelligence Agency to continue its dedicated work in the field of intelligence-gathering in order to protect the people of the United States.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT, RUSH OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title V, add the following new section:

**SEC. 505. REVIEW OF INTELLIGENCE TO DETERMINE IF FOREIGN CONNECTION TO ANTHRAX ATTACKS EXISTS.**

(a) **REVIEW.**—The Inspector General of the Intelligence Community shall conduct a review of available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Inspector General shall submit to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate a report containing the findings of the review conducted under subsection (a).

(2) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE, MICHAEL OF DELAWARE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 355. REITERATION OF REQUIREMENT TO SUBMIT REPORT ON TERRORISM FINANCING.**

Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress the report required to be submitted under

section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3750).

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ, TIMOTHY OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 85, after line 20 insert the following:

(d) EDUCATION ON COMBAT-RELATED INJURIES.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

“(i) EDUCATION ON COMBAT-RELATED INJURIES.—

“(1) IN GENERAL.—The head of the entity selected pursuant to subsection (b) shall take such actions as such head considers necessary to educate each authorized adjudicative agency that is an element of the intelligence community on the nature of combat-related injuries as they relate to determinations of eligibility for access to classified information for veterans who were deployed in support of a contingency operation.

“(2) DEFINITIONS.—In this subsection:

“(A) CONTINGENCY OPERATION.—The term ‘contingency operation’ has the meaning given the term in section 101(a)(13) of title 10, United States Code.

“(B) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(C) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101(2) of title 38, United States Code.”.

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAUER, MARK OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 354 the following new section:

**SEC. 355. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe any failures to share or analyze intelligence or other information within or between elements of the United States Government and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the intelligence community to assess terrorist threats, including—



- (A) a list of all databases used by counterterrorism analysts;
  - (B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches; and
  - (C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence;
- (3) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;
  - (4) a description of how watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the intelligence community;
  - (5) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;
  - (6) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;
  - (7) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;
  - (8) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and
  - (9) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to such failures, that have been transmitted to the Director of National Intelligence.

