

111TH CONGRESS  
1ST SESSION

# H. R. 591

To improve United States capabilities for gathering human intelligence through the effective interrogation and detention of terrorist suspects and for bringing terrorists to justice through effective prosecution in accordance with the principles and values set forth in the Constitution and other laws.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mr. PRICE of North Carolina (for himself, Mr. HOLT, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. MILLER of North Carolina, Mr. WATT, Mr. MCGOVERN, Mr. OLVER, Ms. DELAURO, and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve United States capabilities for gathering human intelligence through the effective interrogation and detention of terrorist suspects and for bringing terrorists to justice through effective prosecution in accordance with the principles and values set forth in the Constitution and other laws.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Interrogation and De-  
3 tention Reform Act of 2008”.

4 **TITLE I—INTERROGATION**  
5 **POLICY**

6 **SEC. 101. STATEMENT OF POLICY.**

7 It shall be the policy of the United States to—

8 (1) vigorously implement a sustained national  
9 strategy to combat the short- and long-term threat  
10 to national security posed by global terrorism and  
11 global terrorist organizations using all appropriate  
12 instruments of United States national power;

13 (2) arrest, detain, and prosecute to the full ex-  
14 tent of the law individuals who are involved in or are  
15 providing material support for terrorist activities,  
16 and use all appropriate means to obtain from indi-  
17 viduals lawfully in United States custody timely, ac-  
18 curate, and actionable intelligence to protect the na-  
19 tional security interests of the United States;

20 (3) provide extensive specialized training to per-  
21 sonnel working in support of the Federal Govern-  
22 ment who are involved in the arrest, detention, inter-  
23 rogation, and prosecution of terrorist suspects;

24 (4) enforce, in the arrest, detention, interroga-  
25 tion, and prosecution of terrorist suspects, standards  
26 of conduct that uphold the principles of human

1 rights that are set forth in the Constitution and  
2 have been held sacred by generations of Americans;

3 (5) prohibit the application of all forms of tor-  
4 ture and cruel and inhuman or degrading treatment  
5 or punishment during the arrest, detention, interro-  
6 gation, and prosecution of terrorist suspects and ag-  
7 gressively work to prevent such behaviors by per-  
8 sonnel that come into contact with terrorist suspects  
9 while such suspects are in the custody or under the  
10 effective control of the Federal Government;

11 (6) actively seek to research and develop the  
12 most effective practices for arrest, detention, interro-  
13 gation, and prosecution of terrorist suspects in co-  
14 operation with nations allied with the United States,  
15 incorporating insights from past international expe-  
16 riences in combating global terrorism and global ter-  
17 rorist organizations;

18 (7) develop and regularly monitor policies re-  
19 lated to the arrest, detention, interrogation, and  
20 prosecution of terrorist suspects to ensure that their  
21 effective exercise is consistent with the United  
22 States' strategic goals of weakening global terrorist  
23 organizations and their recruitment capabilities over  
24 the long term and strengthening the international  
25 leadership of the United States; and

(8) work through international fora, including the United Nations, to strengthen the capacity of international treaties and organizations to confront the challenge of global terrorism.

## **TITLE II—DETENTION OF TERRORIST SUSPECTS**

### **SEC. 201. REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS.**

(a) REGISTRATION.—The head of an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) that has custody or effective control of an individual shall, upon the detention of the individual—

(1) immediately notify the International Committee of the Red Cross of such custody or effective control; and

(2) as soon as practicable, provide the International Committee of the Red Cross physical and repeat access to such individual.

(b) CONSTRUCTION.—Subsection (a) shall not be construed to—

(1) create or modify the authority of an element of the intelligence community to detain an individual; or

1           (2) limit or otherwise affect any other rights or  
2 obligations which may arise under any provision of  
3 law or an international agreement.

4           **TITLE III—ENHANCING**  
5 **PROSECUTION OF TERRORISTS**

6 **SEC. 301. FINDINGS.**

7 Congress finds the following:

8           (1) International terrorists, including members  
9 of al Qaeda, have carried out attacks on United  
10 States diplomatic and military personnel and facili-  
11 ties abroad and on citizens and property within the  
12 United States and constitute a grave and sustained  
13 threat to the national security of the United States.

14           (2) In response to the threat of international  
15 terrorism, the United States must pursue a multi-  
16 faced strategy that applies all appropriate tools of  
17 national power, including military, diplomatic, eco-  
18 nomic, cultural, and legal tools.

19           (3) The ability of the United States to detain,  
20 prosecute, and convict individuals suspected of com-  
21 mitting or supporting terrorism or of otherwise wag-  
22 ing hostilities against the United States is vital to  
23 efforts to combat terrorism and to United States na-  
24 tional security.

1           (4) Attempts to implement a military tribunal  
2 system in accordance with Executive Order 13425,  
3 the Military Commissions Act of 2006 (Public Law  
4 109–366), or the President’s Military Order of No-  
5 vember 13, 2001 (66 Fed. Reg. 57,833), have failed  
6 to achieve their stated mission of bringing suspected  
7 terrorists and combatants to justice. To date, the  
8 tribunals and commissions established in connection  
9 with these efforts have yielded just three convictions,  
10 the first following a guilty plea by the defendant,  
11 and have failed to achieve the conviction of a single  
12 individual in connection with the terrorist attacks on  
13 the United States on September 11, 2001.

14           (5) The United States Supreme Court has  
15 found serious conflicts between efforts to implement  
16 a military tribunal system for the trial of detained  
17 terrorist suspects and obligations under the Con-  
18 stitution, Federal law, and international treaties to  
19 which the United States is party.

20           (6) The United States, through the Uniform  
21 Code of Military Justice and the civilian justice sys-  
22 tem, possesses adequate jurisdiction to try any indi-  
23 vidual engaged in committing, conspiring to commit,  
24 or providing material support for, acts of terrorism,

1 unlawful combat, or other hostilities against the  
2 United States.

3 (7) The Uniform Code of Military Justice es-  
4 tablishes a system for the fair and speedy trial of  
5 combatants and others engaged in hostilities against  
6 the United States for violations against the law of  
7 war and related offenses.

8 (8) The United States civilian justice system al-  
9 lows for the fair and speedy trial of individuals who  
10 engage in terrorist activities against the United  
11 States who are enemy combatants, terrorists, or oth-  
12 erwise engaged in criminal acts, and there is an ex-  
13 tensive legal framework providing jurisdiction over  
14 the offenses committed by such individuals.

15 (9) Since September 11, 2001, the United  
16 States civilian justice system has accumulated an  
17 impressive record of success in prosecuting and con-  
18 victing individuals suspected of committing or sup-  
19 porting terrorism, having convicted at least 145 such  
20 individuals, and is an essential and effective tool in  
21 combating international terrorism.

22 (10) Existing laws and regulations, including  
23 the Classified Information Procedures Act (18  
24 U.S.C. App. 3; Public Law 96-456), provide a de-  
25 tailed framework for protecting the full range of sen-

1       sitive and classified information during the prosecu-  
2       tion of cases involving terrorism offenses and related  
3       crimes.

4           (11) In addition to the existing United States  
5       civilian and military justice systems, the Federal  
6       Government possesses other legal authorities that  
7       may be useful as tools in detaining and prosecuting  
8       international terrorists, including authority to detain  
9       illegal aliens under Federal immigration laws.

10          (12) Given the failure of the military commis-  
11       sions system established under the Military Commis-  
12       sions Act of 2006 (Public Law 109–366) and other  
13       authorities, the legal and constitutional obstacles to  
14       fully implementing military commissions system, and  
15       the success and potential of the civilian and military  
16       justice systems in bringing terrorists to justice, the  
17       national security of the United States is best served  
18       by vigorously pursuing efforts to bring terrorists to  
19       justice through the United States civilian and mili-  
20       tary justice systems.

21 **SEC. 302. REPEAL OF MILITARY COMMISSIONS ACT OF 2006.**

22       (a) REPEAL OF AUTHORITY TO CONDUCT CERTAIN  
23       MILITARY COMMISSIONS.—



1           (1) IN GENERAL.—Subtitle A of title 10,  
2           United States Code, is amended by striking chapter  
3           47A.

4           (2) CLERICAL AMENDMENT.—The tables of  
5           chapters at the beginning of subtitle A, and at the  
6           beginning of part II of subtitle A, of title 10, United  
7           States Code, are each amended by striking the item  
8           relating to chapter 47A.

9           (b) CONFORMING AMENDMENTS TO UNIFORM CODE  
10          OF MILITARY JUSTICE.—Chapter 47 of title 10, United  
11          States Code (the Uniform Code of Military Justice), is  
12          amended as follows:

13           (1) REPEAL OF APPLICABILITY TO LAWFUL  
14          ENEMY COMBATANTS.—Section 802(a) (article 2(a))  
15          is amended by striking paragraph (13).

16           (2) REPEAL OF EXCLUSION OF APPLICA-  
17          BILITY.—Sections 821, 828, 848, 850(a), 904, and  
18          906 (articles 21, 28, 48, 50(a), 104, and 106) are  
19          each amended by striking the following sentence:  
20          “‘This section does not apply to a military commis-  
21          sion established under chapter 47A of this title.’”.

22           (3) REPEAL OF INAPPLICABILITY OF REQUIRE-  
23          MENTS RELATING TO REGULATIONS.—Section 836  
24          (article 36) is amended—

1 (A) in subsection (a), by striking “, except  
2 as provided in chapter 47A of this title,”; and

3 (B) in subsection (b), by striking “, except  
4 insofar as applicable to military commissions  
5 established under chapter 47A of this title”.

6 (c) REPEAL OF PUNITIVE ARTICLE OF CON-  
7 SPIRACY.—Section 881 of title 10, United States Code  
8 (article 81 of the Uniform Code of Military Justice), is  
9 amended—

10 (1) by striking “(a)” before “Any person”; and

11 (2) by striking subsection (b).

12 (d) REPEAL OF PROVISIONS RELATING TO TREATY  
13 REQUIREMENTS.—The Military Commissions Act of 2006  
14 (Public Law 109–366) is amended by striking section 5  
15 and subsection (a) of section 6.

16 (e) REPEAL OF REVISION TO WAR CRIMES OFFENSE  
17 UNDER FEDERAL CRIMINAL CODE.—

18 (1) IN GENERAL.—Section 2441 of title 18,  
19 United States Code, is amended—

20 (A) in subsection (c), by striking para-  
21 graph (3) and inserting the following new para-  
22 graph (3):

23 “(3) which constitutes a violation of common  
24 Article 3 of the international conventions signed at  
25 Geneva, 12 August 1949, or any protocol to such

1 convention to which the United States is a party and  
2 which deals with non-international armed conflict;  
3 or”; and

4 (B) by striking subsection (d).

5 (2) RETROACTIVE APPLICABILITY.—The  
6 amendments made by this subsection shall take ef-  
7 fect as of November 26, 1997, as if enacted imme-  
8 diately after the amendments made by section 583  
9 of Public Law 105–118 (as amended by section  
10 4002(e)(7) of Public Law 107–273).

11 (f) REPEAL OF ADDITIONAL PROHIBITION ON  
12 CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUN-  
13 ISHMENT.—The Military Commissions Act of 2006 (Pub-  
14 lic Law 109–366) is amended by striking subsection (c)  
15 of section 6.

16 (g) REPEAL OF HABEAS CORPUS PROVISION.—

17 (1) REPEAL.—Section 2241 of title 28, United  
18 States Code, is amended by striking subsection (e).

19 (2) EFFECTIVE DATE.—The amendment made  
20 by paragraph (1) shall take effect on the date of the  
21 enactment of this Act, and shall apply to all cases,  
22 without exception, pending on or after the date of  
23 the enactment of this Act.

1 (h) REPEAL OF REVISIONS TO DETAINEE TREAT-  
2 MENT ACT OF 2005 RELATING TO PROTECTION OF CER-  
3 TAIN UNITED STATES GOVERNMENT PERSONNEL.—

4 (1) IN GENERAL.—Section 1004(b) of the De-  
5 tainee Treatment Act of 2005 (42 U.S.C. 2000dd-  
6 1(b)) is amended—

7 (A) by striking “shall provide” and insert-  
8 ing “may provide”;

9 (B) by striking “or investigation” after  
10 “criminal prosecution”; and

11 (C) by striking “whether before United  
12 States courts or agencies, foreign courts or  
13 agencies, or international courts or agencies,”.

14 (2) CONFORMING REPEAL.—The Military Com-  
15 missions Act of 2006 (Public Law 109–366) is  
16 amended by striking subsection (b) of section 8.

17 (i) REPEAL OF AUTHORITY TO CONDUCT COMBAT-  
18 ANT STATUS REVIEW TRIBUNALS.—The Detainee Treat-  
19 ment Act of 2005 (title X of Public Law 109–148) is  
20 amended by striking section 1005 (10 U.S.C. 801 note).

1 **SEC. 303. CLOSURE OF DETENTION FACILITY AT NAVAL**  
2 **STATION, GUANTANAMO BAY, CUBA, AND**  
3 **TREATMENT OF UNLAWFUL ENEMY COMBAT-**  
4 **ANTS.**

5 (a) CLOSURE OF GUANTANAMO BAY DETENTION FA-  
6 CILITY.—Not later than 180 days after the date of the  
7 enactment of this Act—

8 (1) the President shall close the Department of  
9 Defense detention facility at Guantanamo Bay,  
10 Cuba; and

11 (2) each individual detained at such facility who  
12 has been designated as an enemy combatant or un-  
13 lawful enemy combatant shall be removed from the  
14 facility and—

15 (A) transferred to a military or civilian de-  
16 tention facility in the United States, charged  
17 with a violation of United States law, and tried  
18 in a court constituted pursuant to Article III of  
19 the Constitution or military legal proceeding be-  
20 fore a regularly-constituted court;

21 (B) transferred to an international tri-  
22 bunal operating under the authority of the  
23 United Nations with jurisdiction to hold trials  
24 of such individuals;

25 (C) transferred to the individual's country  
26 of citizenship or a different country for further

1 legal process, as long as that the transfer com-  
2 plies with the Convention Relating to the Status  
3 of Refugees, done at Geneva July 28, 1951, the  
4 United Nations Convention Against Torture  
5 and Other Forms of Cruel, Inhuman or De-  
6 grading Treatment or Punishment, done at  
7 New York December 10, 1984, and Federal  
8 law; or

9 (D) released from any further detention  
10 and, if possible, transferred to the individual's  
11 country of citizenship in accordance with the  
12 obligations of the United States under inter-  
13 national human rights and humanitarian law.

14 (b) TREATMENT OF ENEMY COMBATANTS.—Not  
15 later than 60 days after the date of the enactment of this  
16 Act, the President shall submit to Congress a plan for the  
17 prosecution, transfer, release, or other disposition of the  
18 cases of all individuals designated as enemy combatants  
19 or unlawful enemy combatants, as defined in section  
20 948a(1) of title 10, United States Code, as in effect imme-  
21 diately before the enactment of this Act.

22 (c) IMMIGRATION STATUS.—The transfer of an indi-  
23 vidual under subsection (a) shall not be considered an  
24 entry into the United States for purposes of immigration  
25 status.

1 **SEC. 304. SENSE OF CONGRESS.**

2 It is the sense of Congress that the President—

3 (1) should vigorously investigate and prosecute,  
4 to the full extent of the law, individuals and organi-  
5 zations suspected of involvement with international  
6 terrorism, using all available assets of the United  
7 States civilian and military justice systems;

8 (2) should carry out a review of the capacity of  
9 the United States criminal justice system to success-  
10 fully investigate and prosecute individuals and orga-  
11 nizations suspected of terrorism, including the ade-  
12 quacy of existing Federal anti-terrorism laws, and  
13 should inform Congress of any gaps or obstacles lim-  
14 iting the ability of the United States to bring terror-  
15 ists to justice; and

16 (3) should take immediate measures to enhance  
17 international legal cooperation in the investigation  
18 and prosecution of individuals and organizations sus-  
19 pected of involvement in international terrorism, in-  
20 cluding enhancing international police cooperation  
21 and working to improve the capacity of and enhance  
22 United States participation in international tribunals  
23 to prosecute terrorist acts.

1                   **TITLE IV—INTEGRITY IN**  
2                   **CUSTODIAL INTERROGATIONS**

3   **SEC. 401. UNIFORM STANDARDS FOR THE CONDUCT OF IN-**  
4                   **TERROGATION OF PERSONS IN THE CUSTODY**  
5                   **OR CONTROL OF THE INTELLIGENCE COM-**  
6                   **MUNITY.**

7           (a) **IN GENERAL.**—The President shall establish uni-  
8 form standards for the interrogation of persons in the cus-  
9 tody or under the effective control of the United States.

10          (b) **STANDARDS.**—

11           (1) **IN GENERAL.**—The standards established  
12 under subsection (a) shall include a list of all prac-  
13 tices or techniques of interrogation that personnel of  
14 the United States are authorized to practice during  
15 such an interrogation; and

16           (2) **PROHIBITIONS.**—The President shall ensure  
17 that no practice or technique of interrogation is au-  
18 thorized if such practice or technique subjects a per-  
19 son in the custody or under the effective control of  
20 the United States to cruel, inhuman, or degrading  
21 treatment in violation of Federal law, including—

22           (A) common Article 3 of the international  
23 conventions, done at Geneva August 12, 1949,  
24 or any protocol to such conventions to which  
25 the United States is a party; or



1           (B) the Convention Against Torture and  
2           Other Cruel, Inhuman, or Degrading Treatment  
3           or Punishment, done at New York December  
4           10, 1984 and entered into force for the United  
5           States on November 20, 1994.

6           (c) INPUT FROM THE INTELLIGENCE COMMUNITY.—  
7           The Director of National Intelligence and the Secretary  
8           of Defense shall be responsible for obtaining and providing  
9           to the President input from the head of each element of  
10          the intelligence community and each branch of the Armed  
11          Forces during the development and revision of the stand-  
12          ards established under subsection (a).

13          (d) TRAINING.—The Director of National Intel-  
14          ligence and the Secretary of Defense shall ensure that per-  
15          sonnel of the intelligence community and the United  
16          States Armed Forces, respectively, who are responsible for  
17          the interrogation of persons in the custody or under the  
18          effective control of the United States receive training re-  
19          garding the Federal and international obligations and laws  
20          applicable to the humane treatment of detainees, including  
21          protections afforded under the conventions referred to in  
22          subparagraphs (A) and (B) of subsection (b)(2).

23          (e) REPORT.—

24                 (1) IN GENERAL.—Not later than 180 days  
25                 after the date of the enactment of this Act, the

1 President shall submit to Congress a report on the  
2 implementation of this section, including the stand-  
3 ards established under subsection (b)(1).

4 (2) UPDATE.—Not later than 30 days after the  
5 President approves a change to the standards estab-  
6 lished under subsection (b)(1), the President shall  
7 submit to Congress an update of such standards.

8 (3) FORM.—The report under paragraph (1)  
9 and updated standards under paragraph (2) shall be  
10 submitted in unclassified form, but may include a  
11 classified annex.

12 **SEC. 402. PROHIBITION ON THE USE OF PRIVATE CONTRAC-**  
13 **TORS FOR ACTIVITIES INVOLVING PERSONS**  
14 **IN THE CUSTODY OR UNDER THE EFFECTIVE**  
15 **CONTROL OF THE INTELLIGENCE COMMU-**  
16 **NITY.**

17 (a) IN GENERAL.—Title XI of the National Security  
18 Act of 1947 (50 U.S.C. 442 et seq.) is further amended  
19 by adding at the end the following new section:

1 **“SEC. 1104. PROHIBITION ON THE USE OF PRIVATE CON-**  
2 **TRACTORS FOR ACTIVITIES INVOLVING PER-**  
3 **SONS IN THE CUSTODY OR UNDER THE EF-**  
4 **FECTIVE CONTROL OF THE INTELLIGENCE**  
5 **COMMUNITY.**

6 “(a) IN GENERAL.—Notwithstanding any other pro-  
7 vision of law, no element of the intelligence community  
8 may award a contract for performance related to an activ-  
9 ity described in subsection (b).

10 “(b) ACTIVITIES.—An activity described in this sub-  
11 section—

12 “(1) is an activity relating to the capture, cus-  
13 tody, control, or other pertinent interaction with an  
14 individual who is a detainee or prisoner in the cus-  
15 tody or under the effective control of the Federal  
16 Government, including, with regard to such an indi-  
17 vidual—

- 18 “(A) arrest;  
19 “(B) interrogation;  
20 “(C) detention; or  
21 “(D) transportation or transfer; and

22 “(2) does not include the performance of work  
23 related to language interpretation, if such work oc-  
24 curs under the direct supervision of Federal Govern-  
25 ment personnel, or to the provision of medical assist-  
26 ance or treatment.”.

1 (b) CONFORMING AMENDMENT.—The table of con-  
2 tents in the first section of such Act is amended by adding  
3 at the end the following new item:

“Sec. 1104. Prohibition on the use of private contractors for activities involving  
persons in the custody or under the effective control of the in-  
telligence community.”.

4 (c) EFFECTIVE DATE.—Section 1104 of the National  
5 Security Act of 1947 (as added by subsection (a)) shall  
6 take effect on the date that is 180 days after the date  
7 of the enactment of this Act.

8 **SEC. 403. REQUIREMENT FOR VIDEOTAPING OR OTHER-**  
9 **WISE ELECTRONICALLY RECORDING STRA-**  
10 **TEGIC INTERROGATIONS.**

11 (a) IN GENERAL.—In accordance with the guidelines  
12 developed pursuant to subsection (e) and section 401, the  
13 President shall take such actions as are necessary to en-  
14 sure the videotaping or otherwise electronically recording  
15 of each strategic intelligence interrogation of any person  
16 who is in the custody or under the effective control of the  
17 United States or under detention in a United States facil-  
18 ity.

19 (b) CLASSIFICATION OF INFORMATION.—To protect  
20 United States national security, the safety of the individ-  
21 uals conducting or assisting in the conduct of a strategic  
22 intelligence interrogation, and the privacy of persons de-  
23 scribed in subsection (a), the President shall provide for  
24 the appropriate classification of video tapes or other elec-

1 tronic recordings made pursuant to subsection (a). The  
2 use of such classified video tapes or other electronic re-  
3 cordings in a civilian or military court proceeding or other  
4 proceeding under the laws of the United States shall be  
5 governed by applicable rules, regulations, and law.

6 (c) EXCLUSION.—Nothing in this section shall be  
7 construed as requiring—

8 (1) any member of the Armed Forces engaged  
9 in direct combat operations to videotape or otherwise  
10 electronically record a person described in subsection  
11 (a); or

12 (2) the videotaping or other electronic recording  
13 of tactical questioning, as such term is defined in  
14 the Army Field Manual on Human Intelligence Col-  
15 lector Operations (FM 2–22.3, September 2006), or  
16 any successor thereto.

17 (d) GUIDELINES FOR VIDEOTAPE AND OTHER ELEC-  
18 TRONIC RECORDINGS.—

19 (1) DEVELOPMENT OF GUIDELINES.—The  
20 President shall develop and adopt uniform guidelines  
21 designed to ensure that the videotaping or other  
22 electronic recording required under subsection (a),  
23 at a minimum—

24 (A) promotes full compliance with the laws  
25 of the United States;

1 (B) is maintained for a length of time that  
2 serves the interests of justice in cases for which  
3 trials are being or may be conducted pursuant  
4 to applicable United States law;

5 (C) promotes the exploitation of intel-  
6 ligence; and

7 (D) ensures the safety of all participants  
8 in the interrogations.

9 (2) SUBMITTAL TO CONGRESS.—Not later than  
10 30 days after the date of the enactment of this Act,  
11 the President shall submit to Congress a report con-  
12 taining the guidelines developed under paragraph  
13 (1). Such report shall be submitted in unclassified  
14 form, but may include a classified annex.

15 (e) STRATEGIC INTELLIGENCE INTERROGATION DE-  
16 FINED.—In this section, the term “strategic intelligence  
17 interrogation” means an interrogation of a person de-  
18 scribed in subsection (a) conducted by a personnel of the  
19 intelligence community or a member of the United States  
20 Armed Forces at—

21 (1) corps or theater-level military detention fa-  
22 cility, as defined in the Army Field Manual on  
23 Human Intelligence Collector Operations (FM 2–  
24 22.3, September 11, 2006) or any successor thereto,  
25 or a comparable centralized detention facility oper-

1 ated by any element of the intelligence community  
2 (as defined in section 3(4) of the National Security  
3 Act of 1947 (50 U.S.C. 401a(4)));

4 (2) a detention facility outside the area of oper-  
5 ations (AOR) where the detainee or prisoner was ini-  
6 tially captured, including—

7 (A) a detention facility owned, operated,  
8 borrowed, or leased by the United States Gov-  
9 ernment; and

10 (B) a detention facility of a foreign govern-  
11 ment at which United States Government per-  
12 sonnel are permitted to conduct interrogations  
13 by the foreign government in question.

14 **TITLE V—BUILDING LONG-TERM**  
15 **CAPACITY FOR EFFECTIVE**  
16 **HUMAN INTELLIGENCE COL-**  
17 **LECTION**

18 **SEC. 501. SENSE OF CONGRESS REGARDING INTER-**  
19 **NATIONAL COOPERATION ON HUMAN INTEL-**  
20 **LIGENCE COLLECTION.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Key allies of the United States have accrued  
23 significant experience over the course of several  
24 years in the collection of human intelligence relating

1 to efforts to prevent terrorism and eradicate ter-  
2 rorist organizations.

3 (2) The United States could substantially ben-  
4 efit from cooperation with such allies on identifying  
5 and examining the most effective laws, practices,  
6 and policies relating to human intelligence collection.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that—

9 (1) the President, acting through the Secretary  
10 of Defense and the Director for National Intel-  
11 ligence, should cooperate with other nations to sup-  
12 port the mutual improvement of human intelligence  
13 collection capabilities, including through—

14 (A) the mutual exchange and review of  
15 doctrine, laws and regulations, best practices,  
16 and lessons learned relating to human intel-  
17 ligence collection capabilities;

18 (B) participation by United States per-  
19 sonnel in international exercises relating to  
20 human intelligence collection; and

21 (C) participation by United States per-  
22 sonnel in seminars, conferences, and other edu-  
23 cational activities relating to human intelligence  
24 collection; and



1           (2) the President should not cooperate with re-  
2           gards to human intelligence collection with a nation  
3           that is not a party to the Convention Against Tor-  
4           ture and Other Cruel, Inhuman, or Degrading  
5           Treatment or Punishment.

6 **SEC. 502. INTERAGENCY CENTER FOR EXCELLENCE ON**  
7                                   **HUMAN INTELLIGENCE COLLECTION UNITED**  
8                                   **STATES.**

9           (a) CENTER AUTHORIZED.—The President, in con-  
10          sultation with the Director of National Intelligence and  
11          the Secretary of Defense, shall establish a center to be  
12          known as the United States Center for Excellence in  
13          Human Intelligence Collection (in this section referred to  
14          as the “Center”).

15          (b) PURPOSE.—The purpose of the Center shall be  
16          to educate and train members of the United States Armed  
17          Forces and personnel of the intelligence community to  
18          conduct research and examine doctrine and policy related  
19          to human intelligence collection, with emphasis on prac-  
20          tices related to the interrogation and detention of hostile  
21          actors and human intelligence collection on the battlefield  
22          or in relation to United States efforts to combat global  
23          terrorism.

24          (c) DUTIES.—The Center shall—

1           (1) provide and facilitate education and training  
2 for members of the United States Armed Forces and  
3 personnel of the intelligence community on the prac-  
4 tice of human intelligence collection, including—

5                   (A) strategies, techniques, best practices,  
6 and lessons learned relating to the interrogation  
7 of individuals for intelligence purposes;

8                   (B) United States policy, regulations, and  
9 law regarding authorized interrogation practices  
10 and techniques;

11                  (C) strategies, techniques, best practices,  
12 and lessons learned relating to human source  
13 operations for intelligence purposes; and

14                  (D) command, management, and oversight  
15 of U.S. personnel involved in human intelligence  
16 collection;

17           (2) collaborate with existing agency or service  
18 specific entities that provide education and training  
19 on the practice of human intelligence collection, and  
20 provide advanced training for instructors at such en-  
21 tities;

22           (3) foster interoperability and cooperation be-  
23 tween human intelligence collectors working for dif-  
24 ferent elements of the intelligence community;

1           (4) provide and facilitate ongoing study and sci-  
2           entific research into all aspects of operations and  
3           doctrine relating to human intelligence collection, in-  
4           cluding the identification of best practices and the  
5           development of recommendations for policy and doc-  
6           trine reform; and

7           (5) conduct a regular review of United States  
8           policies relating to human intelligence collection.

9           (d) ELIGIBLE PERSONNEL.—The Center may provide  
10          training and education to—

11           (1) members of the United States Armed  
12          Forces;

13           (2) personnel employed by an element of the in-  
14          telligence community; and

15           (3) other personnel of the Federal Government,  
16          at the discretion of the President.

17          (e) ANNUAL REPORT.—Not later than March 31 of  
18          each year, the President shall submit to Congress a report  
19          on the activities of the Center during the preceding year.

20          (f) INTELLIGENCE COMMUNITY DEFINED.—In this  
21          section, the term “intelligence community” has the mean-  
22          ing given the term in section 3(4) of the National Security  
23          Act of 1947 (50 U.S.C. 401a(4)).

1 **SEC. 503. UNITED STATES MILITARY INTELLIGENCE SPE-**  
2 **CIALISTS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Ensuring the national security of the  
5 United States, including through long-term efforts  
6 to combat global terrorism, the vigilant defense  
7 against proliferation and use of weapons of mass de-  
8 struction, and the use of military force as a last re-  
9 sort to defend the Nation, will require a sustained  
10 capacity for effective human intelligence collection.

11 (2) The United States Armed Forces will, in  
12 the course of carrying out their duties in defense of  
13 our Nation, be required to carry out human intel-  
14 ligence collection activities.

15 (3) Improving the human intelligence collection  
16 capacity of the United States Armed Forces requires  
17 the maintenance of a corps of career military profes-  
18 sionals in the discipline of human intelligence who  
19 are experts in the practice and management of  
20 human intelligence collection and who can carry out  
21 sustained long-term intelligence operations.

22 (b) IMPROVEMENT OF HUMAN INTELLIGENCE COL-  
23 LECTION CAPABILITIES.—The Secretary of Defense shall  
24 develop a strategy to—

25 (1) reform organizational and incentive struc-  
26 tures to—

1 (A) provide for career-long focus in the  
2 human intelligence discipline for military offi-  
3 cers of each military department;

4 (B) ensure career advancement opportuni-  
5 ties for officers specializing in the human intel-  
6 ligence discipline that are focused on human in-  
7 telligence collection, rather than service with or  
8 command of a military unit not involved in the  
9 intelligence discipline; and

10 (C) organize, within the human intelligence  
11 career field, assignments, promotions, and in-  
12 centives structured with the goal of developing  
13 and increasing expertise in the human intel-  
14 ligence discipline and preparing officers for  
15 greater responsibilities within that discipline;

16 (2) provide ongoing professional education and  
17 development in specialized intelligence skills, special-  
18 ized language and cultural skills, relevant law and  
19 doctrine pertaining to the practice of human intel-  
20 ligence activities, and command, management, and  
21 oversight of personnel involved in human intelligence  
22 activities;

23 (3) provide training in human intelligence ac-  
24 tivities for select personnel not assigned to an intel-  
25 ligence career field in order to enable a surge capac-

1       ity for assigning personnel to human intelligence ac-  
2       tivities when additional personnel are needed for  
3       military intelligence activities; and

4             (4) assign human intelligence personnel to posi-  
5       tions according to geographic, language, or cultural  
6       expertise.

7       (c) REPORT REQUIRED.—Not later than 180 days  
8       after the date of the enactment of this Act, the Secretary  
9       of Defense shall submit to Congress a report on the devel-  
10      opment of the strategy required under subsection (b).

11   **SEC. 504. STRATEGY FOR DETENTION OF TERRORIST SUS-**  
12                                   **PECTS AND CONVICTS.**

13      (a) FINDINGS.—Congress finds the following:

14             (1) A 2006 study by George Washington Uni-  
15      versity and the University of Virginia entitled “Out  
16      of the Shadows” found that “Radicalization in pris-  
17      ons is a global problem and bears upon the national  
18      security of the U.S.”.

19             (2) The Report of the Task Force on the Fu-  
20      ture of Terrorism, a task force created at the direc-  
21      tion of the Secretary of Homeland Security and  
22      comprised of members of the Homeland Security  
23      Advisory Council, recommended to the Secretary of  
24      Homeland Security that “The Department should  
25      develop and immediately implement, in concert with

1 the Department of Justice and State and local cor-  
2 rections officials, a program to address prisoner  
3 radicalization and post-sentence reintegration”.

4 (3) Since Operation Iraqi Freedom began in  
5 March 2003, the United States has detained more  
6 than 65,000 Iraqis, with each individual remaining  
7 in detention for an average of over 300 days.

8 (4) On April 8, 2007, the Los Angeles Times  
9 reported that “U.S. run detention camps in Iraq  
10 have become a breeding ground for extremists where  
11 Islamic militants recruit and train supporters.”.

12 (b) STRATEGY REQUIRED.—Not later than one year  
13 after the enactment of this Act, the President, in consulta-  
14 tion with the Secretary of Homeland Security, the Attor-  
15 ney General, the Secretary of Defense, and the Director  
16 of National Intelligence, shall submit to Congress a strat-  
17 egy for the detention of terrorist suspects and convicts.  
18 Such strategy shall include—

19 (1) an assessment of the threat posed by  
20 radicalization or recruitment for terrorist activities  
21 of detained and imprisoned individuals; and

22 (2) a plan for minimizing radicalization and  
23 terrorist recruitment in detention or prison facilities  
24 operated by the United States that—

1           (A) addresses the potential radicalization  
2 of prisoners in facilities operated by the Bureau  
3 of Prisons or by State or local authorities with-  
4 in the United States; and

5           (B) addresses the potential radicalization  
6 of prisoners in detention facilities operated by  
7 the United States in an area where the United  
8 States Armed Forces are conducting combat or  
9 peacekeeping operations, including detention fa-  
10 cilities in Iraq and Afghanistan.

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