

Legislative Bulletin.....February 26, 2010

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Amendments to H.R. 2701— The Intelligence Authorization Act for Fiscal Year 2010

H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010 (sponsored by *Rep. Reyes, D-TX*), is scheduled to be considered on the House floor on Friday, February 26, 2010, subject to a structured rule ([H.Res.1113](#)), provides that amendment number 1 printed in House Report 111-419 is modified by *striking section 506* of the Reyes Managers Amendment:

Section 506: Prohibits the use of “cruel, inhumane, or degrading treatment” or “medical malfeasance” in a covered interrogation pursuant to U.S. Code and the fifth, eighth, and fourteenth amendments to the Constitution. The amendment specifically lists sex acts, electric shocks, water boarding, sleep deprivation, mock executions, the threat of force on a detainee, coercion by threatening religious materials, and exposure to the elements as cruel, inhumane or degrading treatment. The amendment provides a penalty of up to 15 years in prison for the use of this treatment during an interrogation.

The following 3 amendments remain in order under yesterday’s previous rule (H.Res.1105).

AMENDMENTS MADE IN ORDER UNDER THE RULE

1. *Reyes (D-TX). Managers’ Amendment:*

- Reduces funding for the Office of the Director of National Intelligence by nearly \$30 million to a total of \$643,252,000. This is lower than House-passed levels in the FY 2009 bill.
- Establishes a new grant program for historically black colleges to develop and devise programs to study foreign affairs, languages, and dialects.
- Amends the Presidential reporting requirements to limit access to notification if it is essential to meet “extraordinary circumstances.” The Director of National Intelligence must provide access to the finding or notification within 180 days. If a Member of Congress objects to the withholding of information, the amendment changes the amount of time to file a written objection from 48 hours to seven days.
- Removes the requirements of Senate confirmation for the NSA General Counsel, establishing a statutory NSA Inspector General, and placing the Program Manager for the Information Sharing under the Executive Office of the President.
- Requires a report to be delivered to Congress on the foreign language proficiency of military and civilian personnel. The report must also provide details on

recruitment, hiring, retention procedures, and recommendations to the DNI to increase personal serving in linguistics.

- Requires a report on the dissemination of critical information to local law enforcement by the intelligence community within 180 days. In addition, the amendment requires an additional report on the intelligence capabilities of local law enforcement and ability to analyze and collect data.
- Amends the provision dealing with GAO audits and investigations to limit the number of committees of jurisdiction over the ability to request a report. The amendment also changes the term report to “statement” and adds an additional section outlining the confidentially requirements and unauthorized disclosure prevention measures by the Comptroller. The amendment also changes the number of reports or “statements” required from once every year, to once every two years.
- Changes Section 411 of the bill dealing with the prohibition requirements for the interrogation of suspected terrorists by contractors. The amendment allows the CIA Director to waive reporting requirements within seven days of an audit, inspection, or investigation if it is related to a covert action.
- Requires a report on the assessment on the threat of a “dirty bomb” detonation within 180 days of enactment. In addition, the amendment requires the DNI to submit an additional report to Congress on human rights violations committed by the Argentine government in the 1970s and 1980s as well as counter insurgency operations by the military government into other South American nations.
- Requires a report with recommendations to the National Security Administration on how to improve data security in the computer networks at the Department of Defense.
- Requires a report within one year analyzing the feasibility of creating a national space intelligence office to manage space related intelligence and assets.
- Requires the President to submit to Congress within 180 days of enactment a detailed plan to secure the networks of the intelligence community to prevent hacking, tampering, and unauthorized remote access. In addition, provide recommendations to recruit and train qualified individuals to monitor the networks.
- Requires a study on the missile technology and capabilities of Iran within 180 days.
- Requires a report on the “best practices” of foreign government to combat extremism in their own borders.
- Requires a report on information sharing between the United States and foreign nations within 180 days.
- Provides a Sense of Congress that the intelligence community should provide additional attention and resources to the security of the northern and maritime borders.
- Establishes a cyber security task force to conduct a study on the existing tools and procedures to protect the cyber security of the United States. The task force will consist of five members appointed within the Executive Branch to provide recommendations to improve and enhance techniques.

2. *Hastings (D-FL)*. Requires a report from the DNI to submit a plan to increase diversity in the intelligence community within one year.

3. **Schauer (D-MI)**. Requires a report to Congress on the terrorist attack on Northwest flight 253 and measures the intelligence community will take to prevent any intelligence failures again.

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