

**AMENDMENT TO H.R. 1892, AS REPORTED
OFFERED BY MR. McDERMOTT OF WASHINGTON**

Add at the end of the bill the following:

1 **TITLE V—OTHER MATTERS**

2 **SEC. 501. USE OF UNAUTHORIZED TECHNIQUES IN INTER-**
3 **ROGATIONS.**

4 Part I of title 18, United States Code, is amended
5 by inserting after chapter 26 the following:

6 **“CHAPTER 26A—USE OF UNAUTHORIZED**
7 **TECHNIQUES IN INTERROGATIONS**

“531. Interrogation techniques and interrogation-related treatment.

“532. Penalties for use of unauthorized techniques in an interrogation.

“533. Definitions.

“534. Application.

“535. Exclusive remedies.

“536. Construction with other laws.

8 **“§ 531. Interrogation techniques and interrogation-re-**
9 **lated treatment**

10 “Effective on the date of enactment of the Intel-
11 ligence Authorization Act for Fiscal Year 2012, an indi-
12 vidual in the custody or under the effective control of an
13 officer, employee, or other agent of the United States Gov-
14 ernment, or detained within a facility owned, operated, or
15 controlled by a department or agency of the United States,
16 in any armed conflict, shall not be subjected to any inter-
17 rogation technique or approach, or any treatment related

1 to interrogation, that is not authorized by and listed in
2 Army Field Manual 2-22.3.

3 **“§ 532. Penalties for use of unauthorized techniques**
4 **in an interrogation**

5 “Whoever, in the course of a covered interrogation,
6 knowingly uses unauthorized techniques shall be subject
7 to the following penalties—

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

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

15 **“§ 533. Definitions**

16 “In this chapter:

17 “(1) The term ‘covered interrogation’ means an
18 interrogation conducted under color of Federal law
19 or authority of Federal law, including any such in-
20 terrogation conducted outside the United States.

21 “(2) The term ‘interrogation’ means the ques-
22 tioning of an individual for the purpose of gathering
23 information for intelligence, law enforcement, or
24 military purposes.

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

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

8 **“§ 534. Application**

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

10 “(1) a US national; or

11 “(2) any officer, employee, or contractor (in-
12 cluding a subcontractor at any tier and any em-
13 ployee of that contractor or subcontractor) of the
14 Federal Government—

15 “(A) who is not a US national; and

16 “(B) while acting in that capacity.

17 **“§ 535. Exclusive remedies**

18 “Nothing in this chapter shall be construed as pre-
19 cluding the application of State or local laws on the same
20 subject, nor shall anything in this chapter be construed
21 as creating any substantive or procedural right enforceable
22 by law by any party in any civil proceeding.

23 **“§ 536. Construction with other laws**

24 “Nothing in this chapter shall be construed to affect
25 the obligations of officers, employees, and other agents of

1 the United States Government to comply with all pertinent
2 laws and treaties of the United States governing detention
3 and interrogation, including but not limited to: the Fifth
4 and Eighth Amendments to the United States Constitu-
5 tion; the Federal torture statute, sections 2340 and
6 2340A; the War Crimes Act, section 2441; the Federal
7 assault statute, section 113; the Federal maiming statute,
8 section 114; the Federal stalking statute, section 2261A;
9 articles 93, 124, 128, and 134 of the Uniform Code of
10 Military Justice, 10 U.S.C. 893, 924, 928, and 934; sec-
11 tion 1003 of the Detainee Treatment Act of 2005, 42
12 U.S.C. 2000dd; section 6(e) of the Military Commissions
13 Act of 2006, Public Law 109–366; the Geneva Conven-
14 tions; and the Convention Against Torture. Nothing in
15 this order shall be construed to diminish any rights that
16 any individual may have under these or other laws and
17 treaties. This order is not intended to, and does not, create
18 any right or benefit, substantive or procedural, enforceable
19 at law or in equity against the United States, its depart-
20 ments, agencies, or other entities, its officers or employees,
21 or any other person.”.

