

111TH CONGRESS
2D SESSION

H. R. 4503

To provide for consultation by the Department of Justice with other relevant Government agencies before determining to prosecute certain terrorism offenses in United States district court, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2010

Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. McKEON, Mr. KING of New York, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. BLUNT, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. CHAFFETZ, Mr. ROONEY, Mr. MANZULLO, Ms. ROSLEHTINEN, and Mr. CANTOR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for consultation by the Department of Justice with other relevant Government agencies before determining to prosecute certain terrorism offenses in United States district court, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring the Collec-
5 tion of Critical Intelligence Act of 2010”.

1 **SEC. 2. REQUIREMENT FOR CONSULTATION.**

2 (a) IN GENERAL.—

3 (1) PROSECUTION.—Before any officer or em-
4 ployee of the Department of Justice institutes any
5 prosecution of an alien in a United States district
6 court for a terrorist offense, the Attorney General,
7 Deputy Attorney General, or Assistant Attorney
8 General for the Criminal Division, shall consult with
9 the Director of National Intelligence and the Sec-
10 retary of Defense about whether the prosecution
11 should take place in a United States district court
12 or before a military commission under chapter 47A
13 of title 10, United States Code.

14 (2) INTERROGATION.—Before any officer or
15 employee of the Department of Justice engages in
16 any interrogation of an alien in a criminal investiga-
17 tion or prosecution of a terrorist offense, the Attor-
18 ney General, Deputy Attorney General, or Assistant
19 Attorney General for the Criminal Division, shall
20 consult with the Director of National Intelligence
21 and the Secretary of Defense about how to proceed
22 in that interrogation so as to enable each such offi-
23 cial to carry out that official's responsibilities in a
24 manner consistent with national security.

25 (b) DEFINITIONS.—In this section—

1 (1) the term “terrorist offense” means any of-
2 fense for which the defendant could be tried by a
3 military commission under chapter 47A of title 10,
4 United States Code; and

5 (2) the term “alien” means any person who is
6 not a citizen of the United States.

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