

**(4) Agencies other than the Department of Defense**

If a process required by Army Field Manual 2-22.3, such as a requirement of approval by a specified Department of Defense official, is inapposite to a department or an agency other than the Department of Defense, the head of such department or agency shall ensure that a process that is substantially equivalent to the process prescribed by Army Field Manual 2-22.3 for the Department of Defense is utilized by all officers, employees, or other agents of such department or agency.

**(5) Interrogation by Federal law enforcement**

The limitations in this subsection shall not apply to officers, employees, or agents of the Federal Bureau of Investigation, the Department of Homeland Security, or other Federal law enforcement entities.

**(6) Update of the Army Field Manual****(A) Requirement to update****(i) In general**

Not sooner than three years after November 25, 2015, and once every three years thereafter, the Secretary of Defense, in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall complete a thorough review of Army Field Manual 2-22.3, and revise Army Field Manual 2-22.3, as necessary to ensure that Army Field Manual 2-22.3 complies with the legal obligations of the United States and the practices for interrogation described therein do not involve the use or threat of force.

**(ii) Availability to the public**

Army Field Manual 2-22.3 shall remain available to the public and any revisions to the Army Field Manual 2-22.3 adopted by the Secretary of Defense shall be made available to the public 30 days prior to the date the revisions take effect.

**(B) Report on best practices of interrogations****(i) Requirement for report**

Not later than 120 days after November 25, 2015, the interagency body established pursuant to Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group) shall submit to the Secretary of Defense, the Director of National Intelligence, the Attorney General, and other appropriate officials a report on best practices for interrogation that do not involve the use of force.

**(ii) Recommendations**

The report required by clause (i) may include recommendations for revisions to Army Field Manual 2-22.3 based on the body of research commissioned by the High-Value Detainee Interrogation Group.

**(iii) Availability to the public**

Not later than 30 days after the report required by clause (i) is submitted such report shall be made available to the public.

**(b) International Committee of the Red Cross access to detainees****(1) Requirement**

The head of any department or agency of the United States Government shall provide the International Committee of the Red Cross with notification of, and prompt access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies.

**(2) Construction**

Nothing in this subsection shall be construed—

(A) to create or otherwise imply the authority to detain; or

(B) to limit or otherwise affect any other individual rights or state obligations which may arise under United States law or international agreements to which the United States is a party, including the Geneva Conventions, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(Pub. L. 114-92, div. A, title X, §1045, Nov. 25, 2015, 129 Stat. 977.)

## REFERENCES IN TEXT

Executive Order 13491, referred to in subsec. (a)(6)(B)(i), is Ex. Ord. No. 13491, Jan. 22, 2009, 74 F.R. 4893, which is set out as a note under section 2000dd of this title.

## CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2016, and not as part of the Detainee Treatment Act of 2005 which comprises this chapter.

**CHAPTER 21E—PRIVACY AND CIVIL LIBERTIES PROTECTION AND OVERSIGHT**

Sec.	
2000ee.	Privacy and Civil Liberties Oversight Board.
2000ee-1.	Privacy and civil liberties officers.
2000ee-2.	Privacy and data protection policies and procedures.
2000ee-3.	Federal agency data mining reporting.

**§ 2000ee. Privacy and Civil Liberties Oversight Board****(a) In general**

There is established as an independent agency within the executive branch a Privacy and Civil Liberties Oversight Board (referred to in this section as the “Board”).

**(b) Findings**

Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) In conducting the war on terrorism, the Government may need additional powers and