

AMENDMENT TO DEFENSE APPROPRIATIONS BILL
OFFERED BY MR. FRELINGHUYSEN OF NEW
JERSEY

Amendments to the bill:

On page 126, line 21, before Title IX, insert the following:

1 “SEC. 8139. None of the funds appropriated or other-
2 wise made available by this Act or any other Act may be
3 used in contravention of Sec. 1035 of the National De-
4 fense Authorization Act for Fiscal Year 2014.”

On page 139, line 11, before Title X, insert the following:

5 “SEC. 9015. No more than 15 percent of the funds
6 made available in Title IX may be obligated, until the Sec-
7 retary provides the congressional defense and intelligence
8 committees with a detailed spend plan for the funds pro-
9 vided, including an assurance that no funds will be used
10 in contravention of Sec. 1035 of the National Defense Au-
11 thorization Act for Fiscal Year 2014.”

Amendments to the report:

On page 53, after the first full paragraph (before SERVICE AUDIT AGENCY VALIDATION) insert:

RELEASE OF DETAINEES

The Committee is deeply concerned with the Administration's handling of the recent transfer of five senior level Taliban leaders detained at United States Naval Station, Guantanamo Bay, Cuba. It is clear that the Department violated Section 1035 of the fiscal year 2014 National Defense Authorization Act, which requires a 30 day prior notification to the transfer of any detainees to a foreign country. While the debate of negotiating with terrorists will continue for some time, the violation of trust between the Department and Congress to use funds in violation of current law cannot be easily overlooked. In fact, the restriction on foreign transfers of detainees, which has been in place for five years, was modified in good faith on Congress' part just last year. Further, any notion that exigent circumstances prevented proper congressional notification rings hollow when the Administration clearly has been negotiating this transfer for several years. The Committee understands the unique nature of the events that led to this transfer, but believes that is exactly the reason why prior notification is so important. The decision to negotiate with terrorists for the release of prisoners is a dangerous precedent, one that has impli-

cations far beyond the Department of Defense, and one that Congress should have a voice in deciding. Therefore, to further clarify Congressional prerogatives which were ignored, the Committee includes a general provision which prohibits the Secretary from spending any funds in violation of Section 1035 of the fiscal year 2014 National Defense Authorization Act.

