

En Bloc Amendments to H.R. 1960
National Defense Authorization Act for Fiscal Year 2014
 Wednesday, June 5, 2013

Full Committee
 En Bloc # 2

Log #	Sponsor	Description
017	Andrews	Strikes section 1036 of the underlying bill
036	Larsen	Designation of DOD senior official for management of transfer of individuals detained at US Naval Station, Guantanamo Bay, Cuba
051r1	Sanchez	Requires DOD to share information on planning guidance and contingency plans.
080	Franks	Sense of Congress that the US military comprehensively evaluate possible engagement with the Burmese military as US policy rebalances towards Asia.
117	Forbes	This DRL requires DOD to provide a briefing to Congress detailing the scope of PLA participation in RIMPAC 2014 and how this participation is consistent with the restrictions on mil-to-mil engagement from the 2000 NDAA.
128	Speier	Would require that the chief defense counsel and the chief prosecutor serving at GTMO be of the same rank
139r1	Veasey	Requires a report on the capability of the Yemeni government to detain, rehabilitate, and prosecute individuals detained at Guantanamo who are transferred to Yemen.
146r1	Shea-Porter	Requires the Secretary of Defense to withhold DOD assistance to Afghanistan in an amount equivalent to 100 percent of all taxes assessed by Afghanistan to the extent such taxes are not reimbursed by Afghanistan. Grants the Secretary a waiver.
167r1	Forbes	Requests a report on the attachment of any constitutional or immigration-related right to an individual detained at Guantanamo if such individual were transferred to the US
179	Conaway	The Secretary of Defense shall provide congress with a report on the individuals held at Guantanamo Bay US Naval Station who have since been released and become leaders in a foreign terrorist group.
262r1	Garamendi	Sense of Congress that maintaining a United States shipbuilding base is critical to meeting our national security requirements among other things.

AMENDMENT TO H.R. 1960
OFFERED BY MR. ANDREWS OF NEW JERSEY

Strike section 1036.



AMENDMENT TO H.R. 1960
OFFERED BY MR. LARSEN OF WASHINGTON

At the appropriate place in the bill, insert the following:

1 **SEC. ____ . DESIGNATION OF DEPARTMENT OF DEFENSE**
2 **SENIOR OFFICIAL FOR FACILITATING THE**
3 **TRANSFER OF INDIVIDUALS DETAINED AT**
4 **UNITED STATES NAVAL STATION, GUANTA-**
5 **NAMO BAY, CUBA.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall—

8 (1) designate a senior official of the Depart-
9 ment of Defense as the official with principal re-
10 sponsibility for coordination and management of the
11 transfer of individuals detained at United States
12 Naval Station, Guantanamo Bay, Cuba; and

13 (2) set forth the responsibilities of that senior
14 official with respect to such transfers.



Log 05/1/1

AMENDMENT TO H.R. 1960
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA

At the appropriate place in title X, insert the following:

1 **SEC. 10 ____ . PROVISION OF DEFENSE PLANNING GUIDANCE**
2 **AND CONTINGENCY OPERATION PLAN INFOR-**
3 **MATION TO CONGRESS.**

4 (a) IN GENERAL.—Section 113(g) of title 10, United
5 States Code is amended by adding at the end, the fol-
6 lowing new paragraph:

7 “(3) At the time of the budget submission by the
8 President for a fiscal year, the Secretary of Defense shall
9 submit to the congressional defense committees an annual
10 report containing summaries of the guidance developed
11 under paragraphs (1) and (2), as well as summaries of
12 any plans developed in accordance with the guidance de-
13 veloped under paragraph (2). Such summaries shall be
14 sufficient to allow the congressional defense committees to
15 evaluate fully the requirements for military forces, acquisi-
16 tion programs, and operations and maintenance funding
17 in the President’s annual budget request for the Depart-
18 ment of Defense.”.

1 (b) REPORT REQUIRED.—Notwithstanding the re-
2 quirement under paragraph (3) of section 113(g) of title
3 10, United States Code, as added by subsection (a), that
4 the Secretary of Defense submit reports under that para-
5 graph at the time of the President’s annual budget sub-
6 mission, the Secretary shall submit to the congressional
7 defense committees the first report required under that
8 paragraph by not later than 120 days after the date of
9 the enactment of this Act,

10 (c) LIMITATION ON OBLIGATION OF FUNDS PENDING
11 REPORT.—Of the funds authorized to be appropriated by
12 this Act for Operation and Maintenance, Defense-wide, for
13 the office of the Secretary of Defense, not more than 75
14 percent may be obligated or expended before the date that
15 is 15 days after the date on which the Secretary submits
16 the report described in subsection (b).



AMENDMENT TO H.R. 1960
OFFERED BY MR. FRANKS OF ARIZONA

At the end of subtitle E of title XII, add the following new section:

1 **SEC. 12__ . SENSE OF CONGRESS ON MILITARY-TO-MILITARY**
2 **COOPERATION BETWEEN THE UNITED**
3 **STATES AND BURMA.**

4 It is the sense of the Congress that—

5 (1) as the United States policy rebalances to-
6 wards Asia, it is critical that the United States mili-
7 tary comprehensively evaluate its engagement with
8 Burma;

9 (2) the future of the military-to-military rela-
10 tionship between the United States and Burma
11 should take into account the current ethnic conflict
12 in Burma and persecution of ethnic and religious
13 minorities;

14 (3) while the United States has national secu-
15 rity interests in Burma's peace and stability, the
16 peaceful settlement of armed conflicts with the eth-
17 nic minority groups requires the Burmese military to
18 respect ceasefire agreements, laws of war, and
19 human rights provisions; and

1 (4) the Department of Defense should fully con-
2 sider and assess the Burmese military's efforts to
3 implement reforms, end impunity for human rights
4 abuses, and increase transparency and accountability
5 before expanding military-to-military cooperation be-
6 yond initial dialogue and isolated engagements.



Amendment Offered by Mr. Forbes of Virginia

H.R. 1960—National Defense Authorization Act for Fiscal Year 2014

To be inserted in the appropriate place the report:

RIMPAC 2014 Oversight

"The committee recognizes the importance of the Rim of the Pacific (RIMPAC) Exercises, one of the world's largest international maritime warfare exercises. The committee is aware that China's People's Liberation Army Navy (PLAN) has accepted an invitation by the United States to participate in the 2014 RIMPAC Exercise.

Because of the unique nature of the exercise and the diverse group of participants, the committee deems it important to better comprehend PLAN participation in RIMPAC 2014. Therefore, the committee directs the Secretary of the Navy to brief the congressional defense committees, no less than 30 days after the enactment of the Act to the Committee on the Armed Services of the House, on the intended scope of PLAN participation in RIMPAC 2014 and the compliance of PLAN participation with the 12 operational areas that were prohibited for mil-to-mil contact between the Department of Defense and PLA consistent with Section 1201(a) of the FY2000 National Defense Authorization Act (NDAA)."

AMENDMENT TO H.R. 1960
OFFERED BY MS. SPEIER OF CALIFORNIA

At the appropriate place in title X, insert the following:

1 **SEC. 10 ____ . RANK OF CHIEF PROSECUTOR AND CHIEF DE-**
2 **FENSE COUNSEL IN MILITARY COMMISSIONS**
3 **ESTABLISHED TO TRY INDIVIDUALS DE-**
4 **TAINED AT GUANTANAMO.**

5 For purposes of any military commission established
6 under chapter 47A of title 10, United States Code, to try
7 an alien unprivileged enemy belligerent (as such terms are
8 defined in section 948a of such title) who is detained at
9 United States Naval Station, Guantanamo Bay, Cuba, the
10 chief defense counsel and the chief prosecutor shall have
11 the same rank.



AMENDMENT TO H.R. 1960
OFFERED BY MR. VEASEY OF TEXAS

At the appropriate place in title X, insert the following:

1 **SEC. 10___ . REPORT ON CAPABILITY OF YEMENI GOVERN-**
2 **MENT TO DETAIN, REHABILITATE, AND PROS-**
3 **ECUTE INDIVIDUALS DETAINED AT GUANTA-**
4 **NAMO WHO ARE TRANSFERRED TO YEMEN.**

5 Not later than 120 days after the date of the enact-
6 ment of this Act, the Secretary of Defense and the Sec-
7 retary of State shall jointly submit to the congressional
8 defense committees, the Committee on Foreign Affairs of
9 the House of Representatives, and the Committee on For-
10 eign Relations of the Senate a report on the capability of
11 the government of Yemen to detain, rehabilitate, and pros-
12 ecute individuals detained at Guantanamo (as such term
13 is defined in section 1034(f)(2)) who are transferred to
14 Yemen. Such report shall include an assessment of any
15 humanitarian issues that may be encountered in transfer-
16 ring individuals detained at Guantanamo to Yemen.



AMENDMENT TO H.R. 1960
OFFERED BY Ms. SHEA-PORTER OF NEW
HAMPSHIRE

At the end of subtitle B of title XII, add the following new section:

1 **SEC. 12_ . REQUIREMENT TO WITHHOLD DEPARTMENT OF**
2 **DEFENSE ASSISTANCE TO AFGHANISTAN IN**
3 **AMOUNT EQUIVALENT TO 100 PERCENT OF**
4 **ALL TAXES ASSESSED BY AFGHANISTAN TO**
5 **EXTENT SUCH TAXES ARE NOT REIMBURSED**
6 **BY AFGHANISTAN.**

7 (a) REQUIREMENT TO WITHHOLD ASSISTANCE TO
8 AFGHANISTAN.—An amount equivalent to 100 percent of
9 the total taxes assessed during fiscal year 2013 by the
10 Government of Afghanistan on all Department of Defense
11 assistance shall be withheld by the Secretary of Defense
12 from obligation from funds appropriated for such assist-
13 ance for fiscal year 2014 to the extent that the Secretary
14 of Defense certifies and reports in writing to the Commit-
15 tees on Armed Services of the Senate and the House of
16 Representatives that such taxes have not been reimbursed
17 by the Government of Afghanistan to the Department of

1 Defense or the grantee, contractor, or subcontractor con-
2 cerned.

3 (b) WAIVER AUTHORITY.—The Secretary of Defense
4 may waive the requirement in subsection (a) if the Sec-
5 retary determines that such a waiver is necessary to
6 achieve United States goals in Afghanistan.

7 (c) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to the Committees on Armed Services of the
10 Senate and the House of Representatives a report on the
11 total taxes assessed during fiscal year 2013 by the Govern-
12 ment of Afghanistan on all Department of Defense assist-
13 ance.

14 (d) DEPARTMENT OF DEFENSE ASSISTANCE DE-
15 FINED.—In this section, the term “Department of De-
16 fense assistance” means funds provided during fiscal year
17 2013 to Afghanistan by the Department of Defense, either
18 directly or through grantees, contractors, or subcontrac-
19 tors.



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AMENDMENT TO H.R. 1960
OFFERED BY Mr. Forbes

At the appropriate place in title X, insert the following:

1 SEC. 10___. REPORT ON ATTACHMENT OF RIGHTS TO INDIVIDUALS DETAINED AT GUANTANAMO IF TRANSFERRED TO THE UNITED STATES.

2 Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Attorney General shall jointly submit to the congressional defense committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate a report that includes each of the following:

3 (1) A description of the extent to which an individual detained at Guantanamo, if transferred to the United States, could become eligible, by reason of such transfer, for—

4 (A) relief from removal from the United States, including pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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1 (B) any required release from immigration
2 detention, including pursuant to the decision of
3 the Supreme Court in *Zadvydas v. Davis*;
4 (C) asylum or withholding of removal; or
5 (D) any additional constitutional right.
6 (2) For any right referred to in paragraph (1)
7 for which the Secretary and Attorney General deter-
8 mine such an individual could become eligible if so
9 transferred, a description of the reasoning behind
10 such determination and an explanation of the nature
11 of the right.



AMENDMENT TO H.R. 1960

OFFERED BY M. *Conaway*

At the appropriate place in title X, insert the following:

1 SEC. 10__. SUMMARY OF INFORMATION RELATING TO IN-
2 DIVIDUALS DETAINED AT GUANTANAMO WHO
3 BECAME LEADERS OF FOREIGN TERRORIST
4 GROUPS.

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary of Defense
7 shall make publicly available a summary of information
8 relating to individuals who were formerly detained at
9 United States Naval Station, Guantanamo Bay, Cuba,
10 who have, since being transferred or released from such
11 detention, have become leaders or involved in the leader-
12 ship structure of a foreign terrorist group.

13 (b) FORM OF SUMMARY.—The summary required
14 under subsection (a) shall be in unclassified form, but may
15 contain a classified annex.



AMENDMENT TO H.R. 1960
OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end of title XXXV the following:

1 **SEC. 35** ____ . **SENSE OF CONGRESS.**

2 (a) **FINDINGS.**—Congress finds the following:

3 (1) It is in the interest of United States na-
4 tional security that the United States merchant ma-
5 rine, both ships and mariners, serve as a naval auxil-
6 iary in times of war or national emergency.

7 (2) The readiness of the United States mer-
8 chant fleet should be augmented by a Government-
9 owned reserve fleet comprised of ships with national
10 defense features that may not be available imme-
11 diately in sufficient numbers or types in the active
12 United States-owned, United States-flagged, and
13 United States-crewed commercial industry.

14 (3) The Ready Reserve Force of the Maritime
15 Administration, a component of the National De-
16 fense Reserve Fleet, plays an important role in
17 United States national security by providing nec-
18 essary readiness and efficiency in the form of a Gov-
19 ernment-owned sealift fleet.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) maintaining a United States shipbuilding
4 base is critical to meeting United States national se-
5 curity requirements;

6 (2) it is of vital importance that the Ready Re-
7 serve Fleet of the Maritime Administration remains
8 capable, modern, and efficient in order to best serve
9 the national security needs of the United States in
10 times of war or national emergency;

11 (3) Federal agencies must consider investment
12 options for replacing aging vessels within the Ready
13 Reserve Fleet to meet future operational commit-
14 ments;

15 (4) investment in recapitalizing the Ready Re-
16 serve Fleet may include—

17 (A) construction of dual-use vessels, based
18 on need, for use in the America's Marine High-
19 way Program of the Department of Transpor-
20 tation, as a recent study performed under a co-
21 operative agreement between the Maritime Ad-
22 ministration and the Navy demonstrated that
23 dual-use vessels transporting domestic freight
24 between United States ports could be called
25 upon to supplement sealift capacity;

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1 (B) construction of tanker vessels to meet
2 military transport needs; and

3 (C) construction of vessels for use in trans-
4 porting potential new energy exports; and

5 (5) the Department of Transportation, in con-
6 sultation with the Navy, should pursue the most
7 cost-effective means of recapitalizing the Ready Re-
8 serve Fleet, including by promoting the building of
9 new vessels that are militarily useful and commer-
10 cially viable.

