

## U.S. Senate Committee on Armed Services

Carl Levin, Chairman  
John McCain, Ranking Member

<http://armed-services.senate.gov>



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### SENATE ARMED SERVICES COMMITTEE COMPLETES SECOND MARKUP OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

WASHINGTON -- Senator Carl Levin (D-Mich.) and Senator John McCain (R-Ariz.), the Chairman and Ranking Member of the Senate Armed Services Committee, announced today that the committee has completed markup of a second National Defense Authorization Act for Fiscal Year 2012. The committee voted unanimously (26-0) to report a new bill authorizing funding for the Department of Defense and the national security programs of the Department of Energy. The bill now goes to the full Senate for consideration.

The committee approved a similar bill on June 16, 2012. The new bill differs from the previous bill in that it would make an additional \$21 billion in cuts, to meet the target of \$27 billion in defense reductions set for the committee under the Budget Control Act of 2011, which Congress passed in August, after the committee's markup of the first National Defense Authorization Act.

The new bill would also clarify a number of provisions addressing detainee matters in an effort to address concerns raised by the Administration and others. As requested by the Administration, the new bill would clarify that the section providing detention authority does not expand the existing authority to detain under the Authorization for Use of Military Force and make Guantanamo-related restrictions one-year requirements instead of permanent restrictions.

The new bill would also modify a provision requiring military custody of al Qaeda members who attack the United States (subject to a national security waiver) to clarify the President's authority to decide who makes determinations of coverage, how they are made, and when they are made. As modified, the provision makes it clear that these determinations will not interfere with any ongoing law

enforcement operations or interrogations. Under the modified provision, the Executive Branch has the flexibility to keep a covered detainee in civilian custody pursuant to a national security determination, or to transfer a military detainee for trial in the civilian courts. The Administration agreed to have military custody apply to al Qaeda members captured outside the United States (subject to a national security waiver) but disagrees with the committee decision not to preclude the application of the provision inside the United States.

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