

88

**AMENDMENT TO H.R. 5658, AS REPORTED  
OFFERED BY MR. NADLER OF NEW YORK**

At the end of title X, insert the following:

1 **SEC. \_\_\_\_ . NOTIFICATION OF THE INTERNATIONAL COM-**  
2 **MITTEE OF THE RED CROSS.**

3 (a) **REQUIREMENT.**—No funds authorized to be ap-  
4 propriated by this Act may be used to detain any indi-  
5 vidual who is in the custody or under the effective control  
6 of an element of the intelligence community (as that term  
7 is defined in section 3 of the National Security Act of  
8 1947 (50 U.S.C. 401a)) or an instrumentality of such ele-  
9 ment if the International Committee of the Red Cross is  
10 not provided notification of the detention of such indi-  
11 vidual and access to such individual in a manner con-  
12 sistent with the practices of the Armed Forces.

13 (b) **CONSTRUCTION.**—Nothing in this section shall be  
14 construed—

15 (1) to create or otherwise imply the authority to  
16 detain; or

17 (2) to limit or otherwise affect any other rights  
18 or obligations which may arise under the Geneva  
19 Conventions or other laws, or to state all of the situ-  
20 ations under which notification to and access for the

1 International Committee of the Red Cross is re-  
2 quired or allowed.

3 (c) INSTRUMENTALITY DEFINED.—In this section,  
4 the term “instrumentality”, with respect to an element of  
5 the intelligence community, means a contractor or subcon-  
6 tractor at any tier of the element of the intelligence com-  
7 munity.

