

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MR. BRIDENSTINE OF OKLAHOMA**

At the end of title V, add the following new section:

1 **SEC. 5 __ . REPORT ON LIMITATIONS ON SELF DEFENSE**
2 **DURING MILITARY INTERROGATION OPER-**
3 **ATIONS.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) On May 15, 2008, Ali Mansur, a member
7 of Al Qaeda in Iraq, was released from military de-
8 tention despite intelligence suggesting his involve-
9 ment in an Improvised Explosive Device attack on
10 U.S. forces on April 21, 2008.

11 (2) During his period in detention, Army inter-
12 rogators did not question Ali Mansur regarding his
13 the April 21, 2008, IED attack on U.S. forces that
14 killed two members of the U.S. Army.

15 (3) Following Ali Mansur's release, 1st Lieuten-
16 ant Michael Behenna conducted a field questioning
17 of Mansur about the April 21, 2008 attack

1 (4) During the field questioning, Mansur at-
2 tacked in a manner consistent with attempting to
3 take 1LT Behenna's weapon.

4 (5) In response, 1LT Behenna shot and killed
5 Mansur in a manner that 1LT Behenna asserted is
6 consistent with self-defense.

7 (6) 1LT Behenna was convicted of second de-
8 gree murder and sentenced to 15 years incarceration
9 at Ft. Leavenworth.

10 (7) During subsequent appeals, the Court of
11 Appeals of the Armed Forces (CAAF) disagreed
12 with 1LT Behenna's assertion that his actions were
13 consistent with self-defense.

14 (8) The CAAF determined that members of the
15 U.S. military restrict their right to claim self-defense
16 if they have a weapon aimed an enemy combatant.

17 (9) If set as precedent, the CAAF's ruling may
18 unreasonably limit self-defense, particularly for
19 servicemembers involved in counterinsurgency activ-
20 ity in a hostile zone.

21 (b) REPORT REQUIRED.—Not later than 270 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense shall submit to the congressional defense com-
24 mittees a report containing an assessment of—

1 (1) whether the CAF's ruling in the case of 1st
2 LT Behenna sets a precedent in the Uniform Code
3 of Military Justice for limitations on legitimate self-
4 defense; and

5 (2) the implications for tactics, techniques, and
6 procedures involving detention and interrogation op-
7 erations.

