

**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. HASTINGS OF FLORIDA**

At the end of subtitle E of title X (page 374, after
line 6), insert the following new section:

1 **SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL**
2 **COMMITTEE OF THE RED CROSS WITH RE-**
3 **SPECT TO DETAINEES AT THEATER INTERN-**
4 **MENT FACILITY AT BAGRAM AIR BASE, AF-**
5 **GHANISTAN.**

6 (a) NOTIFICATION.—The head of a military service
7 or department, or of a Federal department or agency, that
8 has custody or effective control of the Theater Internment
9 Facility at Bagram Air Base, Afghanistan, or of any indi-
10 vidual detained at such facility, shall, upon the detention
11 of any such individual at facility, notify the International
12 Committee of the Red Cross (referred to in this section
13 as the “ICRC”) of such custody or effective control, as
14 soon as possible.

15 (b) ACCESS.—The head of a military service or de-
16 partment, or of a Federal department or agency, with ef-
17 fective control of the Theater Internment Facility at
18 Bagram Air Base, Afghanistan, pursuant to subsection
19 (a), shall ensure ICRC access to any detainee within 24

1 hours of the receipt by such head of an ICRC request to
2 access the detainee. Such access to the detainee shall con-
3 tinue pursuant to ICRC protocols and agreements reached
4 between the ICRC and the head of a military service or
5 department, or of a Federal department or agency, with
6 effective control over the Theater Internment Facility at
7 Bagram Air Base, Afghanistan.

8 (c) SCOPE OF ACCESS.—The ICRC shall be provided
9 access, in accordance with this section, to any physical lo-
10 cality at the Theater Internment Facility at Bagram Air
11 Base, Afghanistan, determined by the ICRC to be relevant
12 to the treatment of the detainee, including the detainee's
13 cell or room, interrogation facilities or rooms, hospital or
14 related health care facilities or rooms, or other locations
15 not named in this section.

16 (d) CONSTRUCTION.—Nothing in this section shall be
17 construed to—

18 (1) create or modify the authority of a military
19 service or department, a Federal law enforcement
20 agency, or the intelligence community to detain an
21 individual; or

22 (2) limit or otherwise affect any other rights or
23 obligations which may arise under the Geneva Con-
24 ventions, other international agreements, or other
25 laws, or to state all of the situations under which no-

- 1 tification to and access for the International Com-
- 2 mittee of the Red Cross is required or allowed.

