

1st Sub. S.C.R. 11

CONCURRENT RESOLUTION ON THE NATIONAL DEFENSE AUTHORIZATION ACT

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 2, 2012 2:09 PM

Senator **Curtis S. Bramble** proposes the following amendments:

1. Page 1, Lines 10 through 12:

10 This concurrent resolution of the Legislature and the Governor expresses ~~{strong~~
11 ~~disapproval of}~~ concerns over portions of the National Defense Authorization Act for Fiscal Year
12 2012.

2. Page 1, Lines 15 through 18:

15 ▶ expresses ~~{disapproval of}~~ concerns over Sections 1021 and 1022 of the National
Defense
16 Authorization Act for Fiscal Year 2012 ~~{, which authorizes:~~
17 ~~————•———— military detention without trial for suspected terrorists; and~~
18 ~~————•———— trial by military commission or transfer to a foreign country of persons detained }~~ ;

3. Page 1, Line 20:

20 ▶ urges Congress to ~~{repeal or}~~ clarify Sections 1021 and 1022 of the National Defense

4. Page 2, Lines 35 through 38:

35 ~~{ WHEREAS, Section 1021 of the 2012 NDAA states that disposition under the law of~~
36 ~~war includes detention without trial until the end of hostilities, trial by military commission,~~
37 ~~and transfer to the custody of the person's country of origin or any other foreign country or~~
38 ~~entity; }~~

5. Page 2, Lines 44 through 50:

44 WHEREAS, there is ~~{uncertainty whether}~~ disagreement about the impacts of Sections
1021 and 1022 ~~{could be used to~~
45 ~~authorize indefinite military detention of United States citizens, legal permanent residents, and~~
46 ~~others without charge or trial within the United States }~~ ;
47 ~~{ WHEREAS, Section 1021 could be used to allow the President to determine whether or~~
48 ~~not a trial, and what type of trial, will be held for those arrested under the authority of the 2012~~
49 ~~NDAA; }~~
50 WHEREAS, the indefinite military detention of ~~{any person}~~ a citizen in the United States

without

6. Page 2, Lines 53 through 56:

53 Constitution, Article I, Section 14; and
54 { ~~WHEREAS, the indefinite military detention of any person within the United States~~
55 ~~without trial violates the right to a speedy trial by an impartial jury guaranteed by the United~~
56 ~~States Constitution, Amendment V and Utah Constitution, Article I, Section 12; and~~ }

7. Page 3, Lines 62 through 67:

62 Governor concurring therein, { ~~expresses strong disapproval of an interpretation and application~~
63 ~~of Section 1021 or 1022 of the 2012 NDAA that violates a right guaranteed by the United~~
64 ~~States Constitution and the Utah Constitution.~~
65 ~~— BE IT FURTHER RESOLVED that the Legislature of the State of Utah, the Governor~~
66 ~~concurring therein,~~ } urges the United States Congress to { ~~repeal or~~ } clarify Sections 1021 and
67 1022 of the 2012 NDAA to { ~~protect~~ } ensure protection of the rights guaranteed by the United States
Constitution and