

110TH CONGRESS  
1ST SESSION

# H. R. 2543

To amend title 10, United States Code, to revise the definition of unlawful enemy combatant for purposes of laws administered by the Secretary of Defense relating to military commissions, to establish a statutory right of habeas corpus for individuals detained at the detention facility at Naval Station, Guantanamo Bay, Cuba, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Ms. LORETTA SANCHEZ of California introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 10, United States Code, to revise the definition of unlawful enemy combatant for purposes of laws administered by the Secretary of Defense relating to military commissions, to establish a statutory right of habeas corpus for individuals detained at the detention facility at Naval Station, Guantanamo Bay, Cuba, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Commissions  
3 Revision Act of 2007”.

4 **SEC. 2. DEFINITION OF UNLAWFUL ENEMY COMBATANT.**

5 Paragraph (1) of section 948a of title 10, United  
6 States Code, is amended to read as follows:

7 “(1) UNLAWFUL ENEMY COMBATANT.—The  
8 term “unlawful enemy combatant” means a person  
9 who has engaged in, attempted, or conspired to en-  
10 gage in acts of armed hostilities or terrorism against  
11 the United States or its co-belligerents, and who is  
12 not a lawful enemy combatant.”.

13 **SEC. 3. DETERMINATION OF UNLAWFUL ENEMY COMBAT-**  
14 **ANT STATUS BY COMBATANT STATUS REVIEW**  
15 **TRIBUNAL NOT DISPOSITIVE FOR PURPOSES**  
16 **OF JURISDICTION OF MILITARY COMMIS-**  
17 **SIONS.**

18 Section 948d of title 10, United States Code, is  
19 amended by striking subsection (c) and by redesignating  
20 subsection (d) as subsection (c).

21 **SEC. 4. EXCLUSION OF STATEMENTS OBTAINED BY COER-**  
22 **SION.**

23 Section 948r of title 10, United States Code, is  
24 amended by striking subsections (c) and (d) and inserting  
25 the following new subsection (c):

1           “(c) EXCLUSION OF STATEMENTS OBTAINED BY CO-  
2 ERSION.—A statement obtained by a degree of coercion  
3 less than torture may be admitted only if the military  
4 judge finds that—

5           “(1) the totality of the circumstances indicates  
6 that the statement possesses probative value to a  
7 reasonable person;

8           “(2) the interests of justice would best be  
9 served by admitting the statement into evidence; and

10           “(3) the interrogation methods used to obtain  
11 the statement do not amount to cruel, inhuman or  
12 degrading treatment.”.

13 **SEC. 5. HABEAS CORPUS MATTERS.**

14           (a) IN GENERAL.—Paragraph (1) of section 2241(e)  
15 of title 28, United States Code, is amended to read as  
16 follows:

17           “(1) No court, justice, or judge shall have juris-  
18 diction to hear or consider an application for a writ  
19 of habeas corpus filed by or on behalf of an alien  
20 enemy combatant detained by the United States who  
21 has been determined by a Combatant Status Review  
22 Tribunal, or other administrative review body con-  
23 stituted in accordance with United States law, to  
24 have been properly detained as an enemy combatant,  
25 unless a period of two years has elapsed since the

1 date of detention and no criminal charges are pend-  
2 ing against the detainee at the time the writ is  
3 filed.”

4 (b) CONFORMING AMENDMENT.—Section 950j of  
5 title 10, United States Code, is amended by striking sub-  
6 section (b).

7 **SEC. 6. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act shall  
9 take effect on the date of the enactment of this Act, and  
10 shall apply to all cases, without exception, pending on or  
11 after the enactment of this Act, which relate to any aspect  
12 of the detention, transfer, treatment, trial, or conditions  
13 of detention of an alien detained by the United States  
14 since September 11, 2001.

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