

HR 6054

Military Commissions Act of 2006

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Sep 12, 2006

Current Status: Placed on the Union Calendar, Calendar No. 409.

Latest Action: Placed on the Union Calendar, Calendar No. 409. (Sep 25, 2006)

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Sponsor

Name: Rep. Hunter, Duncan [R-CA-52]

Party: Republican • **State:** CA • **Chamber:** House

Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boehner, John A. [R-OH-8]	R · OH		Sep 12, 2006
Rep. Calvert, Ken [R-CA-44]	R · CA		Sep 12, 2006
Rep. Chocoma, Chris [R-IN-2]	R · IN		Sep 12, 2006
Rep. Franks, Trent [R-AZ-2]	R · AZ		Sep 12, 2006
Rep. Hayes, Robin [R-NC-8]	R · NC		Sep 12, 2006
Rep. Hefley, Joel [R-CO-5]	R · CO		Sep 12, 2006
Rep. Kline, John [R-MN-2]	R · MN		Sep 12, 2006
Rep. LoBiondo, Frank A. [R-NJ-2]	R · NJ		Sep 12, 2006
Rep. Miller, Candice S. [R-MI-10]	R · MI		Sep 12, 2006
Rep. Miller, Jeff [R-FL-1]	R · FL		Sep 12, 2006
Rep. Porter, Jon C. [R-NV-3]	R · NV		Sep 12, 2006
Rep. Saxton, Jim [R-NJ-3]	R · NJ		Sep 12, 2006
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Sep 12, 2006
Rep. Shuster, Bill [R-PA-9]	R · PA		Sep 12, 2006
Rep. Sweeney, John E. [R-NY-20]	R · NY		Sep 12, 2006
Rep. Wilson, Joe [R-SC-2]	R · SC		Sep 12, 2006
Rep. Renzi, Rick [R-AZ-1]	R · AZ		Sep 13, 2006
Rep. Granger, Kay [R-TX-12]	R · TX		Sep 19, 2006
Rep. Schmidt, Jean [R-OH-2]	R · OH		Sep 19, 2006

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Reported By	Sep 15, 2006
Foreign Affairs Committee	House	Discharged From	Sep 22, 2006
Judiciary Committee	House	Reported By	Sep 25, 2006

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
109 HR 6166	Related bill	Nov 13, 2006: Read twice and referred to the Committee on Armed Services.
109 S 3930	Related bill	Oct 17, 2006: Became Public Law No: 109-366.
109 S 3929	Related bill	Sep 25, 2006: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 633.
109 S 3886	Related bill	Sep 14, 2006: Sponsor introductory remarks on measure. (CR S9577-9578)
109 S 3901	Related bill	Sep 14, 2006: Placed on Senate Legislative Calendar under General Orders. Calendar No. 611.
109 S 3861	Related bill	Sep 13, 2006: Star Print ordered on the bill.

Military Commissions Act of 2006 - (Sec. 2) States that the authority under this Act to establish military commissions (commissions) may not be construed to alter or limit the the President's authority under the Constitution or laws of the United States to establish commissions on the battlefield or in occupied territories should circumstances so require.

(Sec. 3) Amends the Uniform Code of Military Justice (UCMJ) to codify and establish procedures governing the use of military commissions to try unlawful enemy combatants (combatants) for violations of offenses specifically made triable by commissions under this Act. Authorizes the President to establish such commissions. States that commissions shall not have jurisdiction over lawful enemy combatants as defined under this Act. Defines lawful and unlawful enemy combatants. Authorizes commissions to prescribe any punishment, including death when authorized. Requires an annual report from the Secretary of Defense to the congressional defense committees on any trials conducted.

Authorizes military commissions to be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose. Makes eligible to serve on a commission any commissioned officer of the Armed Forces on active duty. Requires to be detailed to each commission a military judge, trial and military defense counsel, and reporters and interpreters. Requires at least five members in each commission.

Prescribes commission pre-trial procedures, including charges and specifications. Prohibits a person from being required to testify against himself at a commission proceeding. Prohibits a statement obtained by the use of torture from being admissible against the accused, except against a person accused of torture as evidence the statement was made.

Prescribes commission trial procedures, including: (1) rules of evidence; (2) duties of trial and defense counsel; (3) pleas of the accused; (4) opportunity to obtain witnesses and other evidence; (5) the defense of lack of mental responsibility; and (6) the record of trial. Requires: (1) a two-thirds commission member vote for conviction; (2) a three-fourths member vote for a sentence of life imprisonment or confinement of more than ten years; and (3) a unanimous vote by at least 12 members in a case in which the death penalty is sought. Prohibits any sentence from including cruel or unusual punishments such as flogging, branding, or marking or tattooing of the body.

Prescribes post-trial procedures, including: (1) review by the convening authority; (2) appeal by the United States; (3) rehearings; (4) reviews by the Court of Military Commission Review, the U.S. Court of Appeals for the District of Columbia, and the U.S. Supreme Court; and (5) the execution of sentences.

Makes the following offenses triable by commissions: (1) murder of protected persons; (2) attacking civilians; (3) attacking civilian objects; (4) attacking protected property; (5) pillaging; (6) denying quarter; (7) taking hostages; (8) employing poison or analogous weapons; (9) using protected persons as shields; (10) using protected property as shields; (11) torture; (12) cruel or inhuman treatment; (13) intentionally causing serious bodily injury; (14) mutilating or maiming; (15) murder in violation of the law of war; (16) destruction of property in violation of the law of war; (17) using treachery or perfidy; (18) improperly using a flag of truce; (19) improperly using a distinctive emblem; (20) intentionally mistreating a dead body; (21) rape; (22) hijacking or hazarding a vessel or aircraft; (23) terrorism; (24) providing material support for terrorism; (25) wrongfully aiding the enemy; (26) spying; (27) conspiracy; (28) perjury and obstruction of justice; and (29) contempt.

Requires a report from the Secretary to the defense committees setting forth commission procedures prescribed under this Act.

Amends the federal criminal code to include the following as violations of the War Crimes Act: (1) torture; (2) cruel or

inhuman treatment; (3) performing biological experiments; (4) murder; (5) mutilation or maiming; (6) intentionally causing great suffering or serious injury; (7) rape; (8) sexual assault; and (9) taking hostages.

(Sec. 5) Gives the U.S. Court of Appeals for the District of Columbia exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal that an alien is properly detained as an enemy combatant.

(Sec. 6) States that satisfaction of the prohibitions against cruel, inhuman, and degrading treatment set forth in the Detainee Treatment Act of 2005 shall fully satisfy U.S. obligations with respect to the standards for suspect detention and treatment established under the Geneva Conventions, with specified exceptions. Prohibits any person in a habeas or other action from invoking the Geneva Conventions as a source of rights for any purpose in any court of the United States or its states or territories.

(Sec. 7) Requires (currently, authorizes) the U.S. to provide counsel to government personnel engaged in authorized interrogations.

(Sec. 8) States that this Act shall take effect on the date of the enactment of this Act and shall apply retroactively, including to: (1) any aspect of the detention, treatment, or trial of any person detained at any time since September 11, 2001; and (2) any claim or cause of action pending on or after the date of the enactment of this Act.

(Sec. 9) Makes subject to UCMJ provisions lawful enemy combatants who violate the law of war.

Actions Timeline

- **Sep 25, 2006:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-664, Part II.
- **Sep 25, 2006:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-664, Part II.
- **Sep 25, 2006:** Placed on the Union Calendar, Calendar No. 409.
- **Sep 22, 2006:** House Committee on Judiciary Granted an extension for further consideration ending not later than Sept. 25, 2006.
- **Sep 22, 2006:** Committee on International Relations discharged.
- **Sep 22, 2006:** Committee on International Relations discharged.
- **Sep 20, 2006:** Committee Consideration and Mark-up Session Held.
- **Sep 20, 2006:** Ordered to be Reported by the Yeas and Nays: 20 - 19.
- **Sep 18, 2006:** House Committee on Judiciary Granted an extension for further consideration ending not later than Sept. 22, 2006.
- **Sep 18, 2006:** House Committee on International Relations Granted an extension for further consideration ending not later than Sept. 22, 2006.
- **Sep 15, 2006:** Reported (Amended) by the Committee on Armed Services. H. Rept. 109-664, Part I.
- **Sep 15, 2006:** Reported (Amended) by the Committee on Armed Services. H. Rept. 109-664, Part I.
- **Sep 15, 2006:** House Committee on Judiciary Granted an extension for further consideration ending not later than Sept. 18, 2006.
- **Sep 15, 2006:** House Committee on International Relations Granted an extension for further consideration ending not later than Sept. 18, 2006.
- **Sep 13, 2006:** Committee Consideration and Mark-up Session Held.
- **Sep 13, 2006:** Ordered to be Reported (Amended) by the Yeas and Nays: 52 - 8.
- **Sep 12, 2006:** Introduced in House
- **Sep 12, 2006:** Introduced in House
- **Sep 12, 2006:** Referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, 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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