

HR 3728

Detainment Reform Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Oct 6, 2009

Current Status: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

Latest Action: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties. (Oct 19, 2009)

Official Text: https://www.congress.gov/bill/111th-congress/house-bill/3728

Sponsor

Name: Rep. Hastings, Alcee L. [D-FL-23]

Party: Democratic • State: FL • Chamber: House

Cosponsors (14 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---------------|------|--------------|
| Del. Christensen, Donna M. [D-VI-At Large] | D · VI | | Oct 7, 2009 |
| Rep. Lee, Barbara [D-CA-9] | D · CA | | Oct 14, 2009 |
| Rep. Ruppersberger, C. A. Dutch [D-MD-2] | D · MD | | Oct 14, 2009 |
| Del. Norton, Eleanor Holmes [D-DC-At Large] | D · DC | | Oct 20, 2009 |
| Rep. Clarke, Yvette D. [D-NY-11] | D · NY | | Oct 20, 2009 |
| Rep. Cleaver, Emanuel [D-MO-5] | D · MO | | Oct 20, 2009 |
| Rep. Fattah, Chaka [D-PA-2] | D · PA | | Oct 20, 2009 |
| Rep. Kilpatrick, Carolyn C. [D-MI-13] | D · MI | | Oct 20, 2009 |
| Rep. Meeks, Gregory W. [D-NY-6] | D · NY | | Oct 20, 2009 |
| Rep. Rush, Bobby L. [D-IL-1] | D · IL | | Oct 20, 2009 |
| Rep. Towns, Edolphus [D-NY-10] | D · NY | | Oct 20, 2009 |
| Rep. Watson, Diane E. [D-CA-33] | D · CA | | Oct 21, 2009 |
| Rep. Payne, Donald M. [D-NJ-10] | D · NJ | | Nov 3, 2009 |
| Rep. Grayson, Alan [D-FL-8] | D · FL | | Nov 16, 2009 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---|---------|-------------|--------------|
| Armed Services Committee | House | Referred To | Oct 6, 2009 |
| Intelligence (Permanent Select) Committee | House | Referred To | Oct 6, 2009 |
| Judiciary Committee | House | Referred to | Oct 19, 2009 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Summary (as of Oct 6, 2009)

Detainment Reform Act of 2009 - Directs the President, with respect to non-U.S. individuals taken into custody, to make a specific determination whether the individual poses a danger to U.S. security and interests based on specified criteria, including whether the individual is an agent of a foreign power against which the use of military force was authorized under the Authorization for Use of Military Force. Allows the U.S. to detain, for up to 14 days, an individual determined to pose such a danger. Requires the U.S., after such period, to initiate detention proceedings provided under this Act or other legal authority, release the individual, transfer the individual to a foreign government, or transfer the individual to an international tribunal with appropriate jurisdiction.

Outlines procedures for detention proceedings, requiring a determination that the individual is an imperative threat to security, with the burden of proof upon the U.S. by a preponderance of the evidence. Requires the protection of national security information during such proceedings.

Requires: (1) the head of any military or federal department or agency that has custody or control of a detainee, upon such detention, to notify the International Committee of the Red Cross of such custody or control; (2) Red Cross access to such detainees; and (3) a report on conditions of detainees and detainee facilities.

Provides for the disposition of detainees entitled to the right of habeas corpus review, requiring each such detainee to be: (1) charged with an offense and transferred to a detention facility for further legal proceedings; (2) transferred to an international tribunal with appropriate jurisdiction; (3) transferred to the custody of the individual's country of citizenship or a different country, provided the transfer is consistent specified conditions; or (4) held in detention after being determined an imperative threat to security.

Expresses the sense of Congress concerning the investigation, prosecution, and treatment of individuals and organizations suspected of involvement with international terrorism.

Requires detainees to be held in accordance with conditions of confinement guaranteed by Article 3 of the Geneva Conventions.

Requires a report identifying those nations, persons, or organizations considered to be forces covered by the Authorization for the Use of Military Force (P.L. 107-40) as having planned, committed, or aided the terrorist attacks of September 11, 2001, or as having harbored such persons or organizations as co-belligerents.

Actions Timeline

- **Oct 19, 2009:** Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.
- **Oct 6, 2009:** Introduced in House
- **Oct 6, 2009:** Sponsor introductory remarks on measure. (CR E2450-2451)
- **Oct 6, 2009:** Referred to House Judiciary
- **Oct 6, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), 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.
- **Oct 6, 2009:** Referred to House Armed Services
- **Oct 6, 2009:** Referred to House Intelligence (Permanent)