

S 551

Military Detainee Procedures Improvement Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Mar 10, 2011

Current Status: Read twice and referred to the Committee on Armed Services.

Latest Action: Read twice and referred to the Committee on Armed Services. (Mar 10, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/551>

Sponsor

Name: Sen. McCain, John [R-AZ]

Party: Republican • **State:** AZ • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Ayotte, Kelly [R-NH]	R · NH		Mar 10, 2011
Sen. Brown, Scott P. [R-MA]	R · MA		Mar 10, 2011
Sen. Chambliss, Saxby [R-GA]	R · GA		Mar 10, 2011
Sen. Graham, Lindsey [R-SC]	R · SC		Mar 10, 2011
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Mar 10, 2011

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Referred To	Mar 10, 2011

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

No related bills are listed.

Military Detainee Procedures Improvement Act of 2011 - Reaffirms that the United States is in an armed conflict with al Qaeda, the Taliban, and affiliated groups, and that the President is authorized to detain unprivileged enemy belligerents (belligerents) in connection with such conflict, regardless of the place of capture, until the termination of hostilities.

Requires a belligerent to be held in military custody pending disposition under the law of war, which includes long-term detention or trial by military commission. Allows a waiver of such requirement if the Secretary of Defense certifies to Congress that the waiver is in the U.S. national security interests.

Prohibits the use of funds available to the Department of Defense (DOD) to transfer any individual detained at Naval Station Guantanamo Bay, Cuba (Guantanamo) to the custody or control of that individual's country of origin or any other foreign country or entity until 30 days after the Secretary certifies to Congress that, among other things, such country is not a designated state sponsor of terrorism and has agreed to ensure that such individual cannot take action to threaten the United States or its citizens or allies in the future. Prohibits the Secretary from making a transfer to a country or entity if there is a confirmed case of an individual who was detained at Guantanamo any time after September 11, 2001, was transferred to such country or entity, and subsequently engaged in any terrorist activity. Provides an exception to the latter prohibition for national security purposes.

Prohibits the use of DOD funds to construct or modify facilities in the United States to house detainees transferred from Guantanamo.

Amends the Detainee Treatment Act of 2005 to require an annual review process regarding the detention at Guantanamo of suspected belligerents, requiring status recommendations to be made to the President by a panel of experts in military operations, intelligence, and anti-terrorism matters. Requires review considerations to include whether the individual represents a continuing threat to the United States or its allies and whether there are other factors that form a need for continued detention.

Directs the Secretary to submit to Congress procedures for determining the status of belligerents under U.S. custody or control who are captured after the date of enactment of this Act.

Allows a guilty plea as part of a pre-trial agreement in capital offense trials by military commission.

Expresses the sense of Congress concerning: (1) the the President's authority to use force, including lethal force, against nations, organizations, and individuals involved in terrorist attacks against the United States; and (2) appropriate justice for victims and families of those killed or injured in al Qaeda attacks against the United States.

Actions Timeline

- **Mar 10, 2011:** Introduced in Senate
- **Mar 10, 2011:** Read twice and referred to the Committee on Armed Services.