

107TH CONGRESS
1ST SESSION

H. R. 3468

To authorize the President to convene military tribunals for the trial outside the United States of persons other than United States citizens and lawful resident aliens who are apprehended in connection with the September 11, 2001, terrorist attacks against the United States.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2001

Ms. HARMAN (for herself and Ms. LOFGREN) 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

A BILL

To authorize the President to convene military tribunals for the trial outside the United States of persons other than United States citizens and lawful resident aliens who are apprehended in connection with the September 11, 2001, terrorist attacks against the United States.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Terrorist Mili-
5 tary Tribunal Authorization Act of 2001”.

1 **SEC. 2. AUTHORITY FOR CONVENING MILITARY TRIBU-**
2 **NALS.**

3 (a) **AUTHORITY.**—The President is authorized to con-
4 vene military tribunals for the trial of individuals subject
5 to this Act who are charged with offenses arising from
6 the September 11, 2001, terrorist attacks on the United
7 States.

8 (b) **LOCATION OF TRIALS BY MILITARY TRIBUNAL.**—
9 A trial by a military tribunal convened under the authority
10 of this Act may only be held at a location outside the
11 United States.

12 (c) **SEMIANNUAL REPORT.**—

13 (1) **REPORT.**—The President shall transmit to
14 Congress and to the Foreign Intelligence Surveil-
15 lance Court a semiannual report on the use of the
16 authority under subsection (a). Each such report
17 shall specify each trial by a military tribunal held
18 during the period covered by the report and, for
19 each such trial, the location of the trial, the proce-
20 dures used at the trial, the name of each individual
21 tried, the offenses with which each such individual is
22 charged, and the verdict on each such charge.

23 (2) **CLASSIFICATION.**—The report shall be sub-
24 mitted, to the extent possible, in unclassified form,
25 with a classified annex as necessary.

1 (3) INITIAL REPORT.—The first report under
2 this subsection shall be submitted not later than
3 September 1, 2002, and shall cover the first six
4 months of 2002.

5 (d) SUNSET.—No military tribunal may be convened
6 under this Act after December 31, 2005.

7 **SEC. 3. INDIVIDUALS SUBJECT TO THIS ACT.**

8 For purposes of this Act, the term “individual subject
9 to this Act” means an individual—

10 (1) who is not a United States citizen or an
11 alien lawfully admitted to the United States for per-
12 manent residence; and

13 (2) who is apprehended outside the United
14 States.

15 **SEC. 4. OFFENSES SUBJECT TO TRIAL BY MILITARY TRI-**
16 **BUNAL.**

17 For purposes of this Act, an offense shall be treated
18 as arising from the September 11, 2001, terrorist attacks
19 on the United States only if the offense relates to an act
20 described in section 2(a) of the Authorization for Use of
21 Military Force (Public Law 107–40), as follows:

22 (1) Planning, authorizing, committing, or aid-
23 ing those attacks.

1 (2) The harboring of any organization or indi-
2 vidual that planned, authorized, committed, or aided
3 those attacks.

4 **SEC. 5. PRESERVATION OF RIGHT TO PETITION FOR HA-**
5 **BEAS CORPUS.**

6 (a) LIMITATION ON EXECUTIVE LIMITATION.—Noth-
7 ing in any military order, executive order, regulation, or
8 other directive of the executive branch may limit the rights
9 or privileges of any individual under chapter 153 or 154
10 of title 28, United States Code, relating to habeas corpus.

11 (b) WRIT OF HABEAS CORPUS TO BE SUSPENDED
12 ONLY BY LAW.—The privilege of the writ of habeas cor-
13 pus may only be suspended in cases of rebellion or inva-
14 sion and only by law.

15 **SEC. 6. DEFINITIONS.**

16 For purposes of this Act:

17 (1) The term “military tribunal” includes any
18 military commission or other tribunal referred to in
19 section 821 and 836 of title 10, United States Code,
20 other than a court-martial.

21 (2) The term “Foreign Intelligence Surveillance
22 Court” means the court established by section
23 103(a) of the Foreign Intelligence Surveillance Act
24 of 1978 (50 U.S.C. 1803(a)).

- 1 (3) The term “United States”, when used in a
2 geographic sense, includes the commonwealths, terri-
3 tories, and possessions of the United States.

