

108TH CONGRESS  
1ST SESSION

# S. 1966

To require a report on the detainees held at Guantanamo Bay, Cuba.

---

IN THE SENATE OF THE UNITED STATES

NOVEMBER 25, 2003

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

## A BILL

To require a report on the detainees held at Guantanamo Bay, Cuba.

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. REPORT ON DETAINEES HELD AT GUANTA-**  
4       **NAMO BAY, CUBA.**

5       (a) REPORT REQUIRED.—(1) Not later than 90 days  
6       after the date of the enactment of this Act, the Secretary  
7       of Defense shall submit to Congress a report on the status  
8       of each detainee held at Guantanamo Bay, Cuba.

9       (2) The report under paragraph (1) shall include, for  
10      each detainee currently held at Guantanamo Bay, the fol-  
11      lowing:

1 (A) The name and nationality of the detainee.

2 (B) A description of the process utilized to de-  
3 termine the status of the detainee.

4 (C) A statement whether or not the process uti-  
5 lized by the United States Government to determine  
6 the status of the detainee complies with inter-  
7 national law and United States law, including Army  
8 Regulation 190–8 which requires that—

9 (i) in accordance with Article 5 of the Ge-  
10 neva Convention on Prisoners of War, if any  
11 doubt arises as to whether a person, having  
12 committed a belligerent act and been taken into  
13 custody by the Armed Forces, belongs to any of  
14 the categories enumerated in Article 4 of the  
15 Geneva Convention on Prisoners of War, such  
16 person shall enjoy the protections of the Geneva  
17 Convention on Prisoners of War until such time  
18 as the status of such person has been deter-  
19 mined by a competent tribunal; and

20 (ii) a competent tribunal shall determine  
21 the status of any person not appearing to be  
22 entitled to prisoner of war status who has com-  
23 mitted a belligerent act or has engaged in hos-  
24 tile activities in aid of enemy armed forces and  
25 who asserts that such person is entitled to

1 treatment as a prisoner of war, or concerning  
2 whom any doubt of a like nature exists.

3 (D) A statement whether or not the United  
4 States Government intends to charge or release the  
5 detainee.

6 (E) If the United States Government has not  
7 yet determined whether or not to charge or release  
8 the detainee, a description of the procedures to be  
9 utilized by the United States Government to make  
10 such a determination, including a schedule for car-  
11 rying out such procedures.

12 (3) The report under paragraph (1) shall include, for  
13 each detainee formerly held at Guantanamo Bay, the fol-  
14 lowing:

15 (A) The name and nationality of the detainee.

16 (B) The terms of the conditional release agree-  
17 ment with respect to the detainee.

18 (C) A statement of the basis for the determina-  
19 tion of the United States Government that the de-  
20 tainee no longer posed a threat warranting detain-  
21 ment.

22 (D) A statement of the length of detainment of  
23 the detainee, including the release date of the de-  
24 tainee.

1           (E) A description of the compensation, if any,  
2       provided, or to be provided, to the detainee with re-  
3       spect to the detainment.

4       (4)(A) The report under paragraph (1) shall be sub-  
5       mitted in unclassified form, but may include a classified  
6       annex.

7       (B) Any classified annex to the report shall be sub-  
8       mitted only to the Chairman and Vice Chairman of the  
9       Select Committee on Intelligence of the Senate and the  
10      Permanent Select Committee on Intelligence of the House  
11      of Representatives.

12      (b) GENEVA CONVENTION ON PRISONERS OF WAR  
13      DEFINED.—In this section, the term “Geneva Convention  
14      on Prisoners of War” means the Geneva Convention Rel-  
15      ative to the Treatment of Prisoners of War, done on Au-  
16      gust 12, 1949 (6 U.S.T. 3316).

○