

110TH CONGRESS
2D SESSION

H. R. 5460

To amend the Detainee Treatment Act of 2005 and title 18, United States Code, to include waterboarding in the definition of cruel, inhuman, or degrading treatment or punishment and in the definition of torture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2008

Ms. ESHOO (for herself and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select) and Armed Services, 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 amend the Detainee Treatment Act of 2005 and title 18, United States Code, to include waterboarding in the definition of cruel, inhuman, or degrading treatment or punishment and in the definition of torture, and for other purposes.

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

1 **SECTION 1. WATERBOARDING INCLUDED IN DEFINITION**
2 **OF CRUEL, INHUMAN, OR DEGRADING TREAT-**
3 **MENT OR PUNISHMENT AND IN DEFINITION**
4 **OF TORTURE.**

5 (a) CRUEL, INHUMAN, OR DEGRADING TREATMENT
6 OR PUNISHMENT.—Section 1003(d) of the Detainee
7 Treatment Act of 2005 (42 U.S.C. 2000dd; Public Law
8 109–148) and section 1403(d) of the Detainee Treatment
9 Act of 2005 (42 U.S.C. 2000dd; Public Law 109–163)
10 are each amended by inserting after “1984” the following:
11 “, and includes waterboarding, which includes any form
12 of physical treatment that simulates drowning or gives the
13 individual who is subjected to it the sensation of drown-
14 ing”.

15 (b) TORTURE.—Section 2340(1) of title 18, United
16 States Code, is amended by inserting before the semicolon
17 at the end the following: “and includes the technique
18 known as ‘waterboarding’, which includes any form of
19 physical treatment that simulates drowning or gives the
20 individual who is subjected to it the sensation of drown-
21 ing”.

22 **SEC. 2. TREATMENT OF INDIVIDUALS IN CUSTODY OF CEN-**
23 **TRAL INTELLIGENCE AGENCY.**

24 Section 1003(a) of the Detainee Treatment Act of
25 2005 (42 U.S.C. 2000dd; Public Law 109–148) and sec-
26 tion 1403(a) of the Detainee Treatment Act of 2005 (42

1 U.S.C. 2000dd; Public Law 109–163) are each amended
2 by inserting after “Government,” the following: “including
3 any individual in the custody or under the physical control
4 of the Central Intelligence Agency,”.

