

111TH CONGRESS
2D SESSION

H. R. 4415

To amend title 10, United States Code, to authorize the President to determine that certain individuals are unlawful enemy combatants subject to trial by military commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2010

Mrs. MILLER of Michigan (for herself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize the President to determine that certain individuals are unlawful enemy combatants subject to trial by military commissions, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Terrorist Detention
5 and Prosecution Act of 2010”.

1 **SEC. 2. AUTHORITY OF PRESIDENT TO DETERMINE CER-**
2 **TAIN INDIVIDUALS ARE UNLAWFUL ENEMY**
3 **COMBATANTS FOR PURPOSES OF LAWS RE-**
4 **LATING TO MILITARY COMMISSIONS.**

5 (a) **AUTHORITY.**—Section 948a(7) of title 10, United
6 States Code, is amended—

7 (1) in subparagraph (B), by striking “or” at
8 the end;

9 (2) in subparagraph (C), by striking the period
10 at the end and inserting “; or”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(D) the President determines—

14 “(i) is closely associated with or has
15 provided material support to al Qaeda or
16 any other organization dedicated to com-
17 mitting acts of terrorism against the
18 United States;

19 “(ii) has taken up or conspired to
20 take up arms on behalf of al Qaeda; and

21 “(iii) has committed or conspired to
22 commit acts of terrorism in the United
23 States or against American citizens or tar-
24 gets, regardless of the location of the indi-
25 vidual’s capture.”.

1 (b) DETENTION.—The President may authorize the
2 detention for military purposes of any individual who is
3 an unlawful enemy combatant (as that term is defined in
4 section 948a(7) of title 10, United States Code) until the
5 President determines that the individual is no longer a
6 threat to the United States or its allies.

7 (c) CHANGE OF TERMINOLOGY TO “UNLAWFUL
8 ENEMY COMBATANT”.—Title 10, United States Code, is
9 amended—

10 (1) by striking “unprivileged enemy belligerent”
11 each place it appears and inserting “unlawful enemy
12 combatant”; and

13 (2) by striking “unprivileged enemy belliger-
14 ents” each place it appears and inserting “unlawful
15 enemy combatants”.

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