

AMENDMENTS SUBMITTED AND PROPOSED

SA 5075. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table.

SA 5076. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5077. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5078. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5079. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5080. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5081. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5082. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5083. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5084. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5085. Mr. FRIST proposed an amendment to the bill S. 3930, to authorize trial by military commission for violations of the law of war, and for other purposes.

SA 5086. Mr. LEVIN (for himself, Mr. DAYTON, and Mr. REED) proposed an amendment to the bill S. 3930, supra.

SA 5087. Mr. SPECTER (for himself, Mr. LEAHY, Mr. DORGAN, Mr. DODD, Mr. DAYTON, Mr. FEINGOLD, Mrs. CLINTON, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3930, supra.

SA 5088. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3930, supra; which was ordered to lie on the table.

SA 5089. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 5066 submitted by Mrs. HUTCHISON (for herself and Mr. KYL) and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table.

SA 5090. Mr. BENNETT (for Mr. FRIST) proposed an amendment to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

SA 5091. Mr. BENNETT (for Mr. FRIST) proposed an amendment to amendment SA 5090 proposed by Mr. BENNETT (for Mr. FRIST) to the bill S. 403, supra.

TEXT OF AMENDMENTS

SA 5075. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Commissions Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Constitution of the United States grants to Congress the power "To define and punish . . . Offenses against the Law of Nations", as well as the power "To declare War . . . To raise and support Armies . . . [and] To provide and maintain a Navy".

(2) The military commission is the traditional tribunal for the trial of persons engaged in hostilities for violations of the law of war.

(3) Congress has, in the past, both authorized the use of military commission by statute and recognized the existence and authority of military commissions.

(4) Military commissions have been convened both by the President and by military commanders in the field to try offenses against the law of war.

(5) It is in the national interest for Congress to exercise its authority under the Constitution to enact legislation authorizing and regulating the use of military commissions to try and punish violations of the law of war.

(6) Military commissions established and operating under chapter 47A of title 10, United States Code (as enacted by this Act), are regularly constituted courts affording, in the words of Common Article 3 of the Geneva Conventions, "all the judicial guarantees which are recognized as indispensable by civilized peoples".

SEC. 3. AUTHORIZATION FOR MILITARY COMMISSIONS.

(a) **IN GENERAL.**—The President is authorized to establish military commissions for the trial of alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses specifically made triable by military commission as provided in chapter 47 of title 10, United States Code, and chapter 47A of title 10, United States Code (as enacted by this Act).

(b) **CONSTRUCTION.**—The authority in subsection (a) may not be construed to alter or limit the authority of the President under the Constitution and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.

(c) **SCOPE OF PUNISHMENT AUTHORITY.**—A military commission established pursuant to subsection (a) shall have authority to impose upon any person found guilty under a proceeding under chapter 47A of title 10, United States Code (as so enacted), a sentence that is appropriate for the offense or offenses for which there is a finding of guilt, including a sentence of death if authorized under such chapter, imprisonment for life or a term of years, payment of a fine or restitution, or

such other lawful punishment or condition of punishment as the military commission shall direct.

(d) **EXECUTION OF PUNISHMENT.**—The Secretary of Defense is authorized to carry out a sentence of punishment imposed by a military commission established pursuant to subsection (a) in accordance with such procedures as the Secretary may prescribe.

(e) **ANNUAL REPORT ON TRIALS BY MILITARY COMMISSIONS.**—

(1) **ANNUAL REPORT REQUIRED.**—Not later than December 31 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions established pursuant to subsection (a) during such year.

(2) **FORM.**—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 4. MILITARY COMMISSIONS.

(a) **MILITARY COMMISSIONS.**—

(1) **IN GENERAL.**—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

"SUBCHAPTER Sec.
 "I. General Provisions 948a.
 "II. Composition of Military Commissions 948h.
 "III. Pre-Trial Procedure 948q.
 "IV. Trial Procedure 949a.
 "V. Sentences 949s.
 "VI. Post-Trial Procedure and Review of Military Commissions 950a.
 "VII. Punitive Matters 950aa.

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
 "948a. Definitions.
 "948b. Military commissions generally.
 "948c. Persons subject to military commissions.
 "948d. Jurisdiction of military commissions.

"§ 948a. Definitions

"In this chapter:
 "(1) **ALIEN.**—The term 'alien' means an individual who is not a citizen of the United States.

"(2) **CLASSIFIED INFORMATION.**—The term 'classified information' means the following:
 "(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(3) **LAWFUL ENEMY COMBATANT.**—The term 'lawful enemy combatant' means an individual who is—

"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

"(4) **UNLAWFUL ENEMY COMBATANT.**—The term 'unlawful enemy combatant' means an individual engaged in hostilities against the United States who is not a lawful enemy combatant.

"§ 948b. Military commissions generally

"(a) **PURPOSE.**—This chapter establishes procedures governing the use of military