To authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Referred to the Committee on ______ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRAHAM

Viz:

1 At the end of subtitle G of title X, add the following:

2 SEC. ___. REVIEW OF STATUS OF DETAINEE.

3 (a) SUBmittal of Procedures FOR STATUS REVIEW OF DETAINEE at Guantanamo Bay, Cuba.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, and to the Committees on the Judiciary of the Senate and the House of Representa-
tives, a report setting forth the procedures of the Combat-
ant Status Review Tribunals and the noticed Administra-
tive Review Boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall, with respect to proceedings beginning after the date of the submittal of such procedures under that subsection, ensure that—

(1) in making a determination of status of any detainee under such procedures, a Combatant Status Review Tribunal or Administrative Review Board may not consider statements derived from persons that, as determined by such Tribunal or Board, by the preponderance of the evidence, were obtained with undue coercion; and

(2) the Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advice and consent of the Senate.

(c) REPORT ON MODIFICATION OF PROCEDURES.—The Secretary of Defense shall submit to the committees of Congress referred to in subsection (a) a report on any modification of the procedures submitted under subsection
(a) not later than 30 days before the date on which such
modifications go into effect.

(d) Judicial Review of Detention of Enemy
Combatants.—

(1) In general.—Section 2241 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(e) No court, justice, or judge shall have jurisdiction to consider—

“(1) an application for a writ of habeas corpus based on policies established by the Secretary of Defense under section 1071(a) of the National Defense Authorization Act for Fiscal Year 2006 filed on behalf of an alien who is detained by the Secretary of Defense as an enemy combatant; or

“(2) any other action, challenging any aspect of the detention of an alien who is detained by the Secretary of Defense as an enemy combatant.”.

(2) Effective date.—The amendment made by paragraph (1) shall apply to any application or other action pending on or after the date of the enactment of this Act.