AMENDMENT NO. 1977 for H.R. 2863

By McCain

To: H.R. 2863

Refer 3

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. McCain, Mr. Graham, Mr. Hagel, Mr. Smith, Ms. Collins

Viz:

1 At the appropriate place, insert the following:

2 SEC. __. UNIFORM STANDARDS FOR THE INTERROGATION

3 OF PERSONS UNDER THE DETENTION OF THE

4 DEPARTMENT OF DEFENSE.

5 (a) IN GENERAL.—No person in the custody or under

6 the effective control of the Department of Defense or

7 under detention in a Department of Defense facility shall

8 be subject to any treatment or technique of interrogation
not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. _____. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.

(a) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

c) LIMITATION ON SUPERSEDURE.—The provisions of this section shall not be superseded, except by a provi-
esion of law enacted after the date of the enactment of this
Act which specifically repeals, modifies, or supersedes the
provisions of this section.

(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT
OR PUNISHMENT DEFINED.—In this section, the term
"cruel, inhuman, or degrading treatment or punishment"
means the cruel, unusual, and inhumane treatment or
punishment prohibited by the Fifth, Eighth, and Four-
teenth Amendments to the Constitution of the United
States, as defined in the United States Reservations, Decl-
larations and Understandings to the United Nations Con-
vention Against Torture and Other Forms of Cruel, Inhu-
man or Degrading Treatment or Punishment done at New