

109TH CONGRESS
1ST SESSION

H. R. 3985

To provide standards for the treatment of persons under custody or control of the United States Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2005

Ms. HARMAN (for herself, Mr. SHAYS, Mr. SKELTON, Mr. CASTLE, Mr. CONYERS, Mr. HOYER, Mr. DICKS, and Mrs. TAUSCHER) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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 provide standards for the treatment of persons under custody or control of the United States Government, 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 “Interrogation Proce-
5 dures Act of 2005”.

1 **SEC. 2. PROHIBITION ON CRUEL, INHUMAN, OR DEGRAD-**
2 **ING TREATMENT OR PUNISHMENT OF PER-**
3 **SONS UNDER CUSTODY OR CONTROL OF THE**
4 **UNITED STATES GOVERNMENT.**

5 (a) IN GENERAL.—No individual in the custody or
6 under the physical control of the United States Govern-
7 ment, regardless of nationality or physical location, shall
8 be subject to cruel, inhuman, or degrading treatment or
9 punishment.

10 (b) CONSTRUCTION.—Nothing in this section shall be
11 construed to impose any geographical limitation on the ap-
12 plicability of the prohibition against cruel, inhuman, or de-
13 grading treatment or punishment under this section.

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15 of this section shall not be superseded, except by a provi-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

19 (d) CRUEL, INHUMAN, OR DEGRADING TREATMENT
20 OR PUNISHMENT DEFINED.—In this section, the term
21 “cruel, inhuman, or degrading treatment or punishment”
22 means the cruel, unusual, and inhumane treatment or
23 punishment prohibited by the Fifth, Eighth, and Four-
24 teenth Amendments to the Constitution of the United
25 States, as defined in the United States Reservations, Dec-
26 larations and Understandings to the United Nations Con-

1 vention Against Torture and Other Forms of Cruel, Inhu-
2 man or Degrading Treatment or Punishment done at New
3 York, December 10, 1984.

4 **SEC. 3. LIMITATION ON INTERROGATION TECHNIQUES.**

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
9 not authorized by and listed in the United States Army
10 Field Manual on Intelligence Interrogation.

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

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

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