

1 are each amended by inserting after the item relating to  
 2 chapter 667 the following new item:

“669. Maritime Safety of Forces ..... 7921”.

### 3 **Subtitle D—Detainee Matters**

#### 4 **SEC. 1031. AFFIRMATION OF AUTHORITY OF THE ARMED** 5 **FORCES OF THE UNITED STATES TO DETAIN** 6 **COVERED PERSONS PURSUANT TO THE AU-** 7 **THORIZATION FOR USE OF MILITARY FORCE.**

8 (a) IN GENERAL.—Congress affirms that the author-  
 9 ity of the President to use all necessary and appropriate  
 10 force pursuant to the Authorization for Use of Military  
 11 Force (Public Law 107–40) includes the authority for the  
 12 Armed Forces of the United States to detain covered per-  
 13 sons (as defined in subsection (b)) pending disposition  
 14 under the law of war.

15 (b) COVERED PERSONS.—A covered person under  
 16 this section is any person as follows:

17 (1) A person who planned, authorized, com-  
 18 mitted, or aided the terrorist attacks that occurred  
 19 on September 11, 2001, or harbored those respon-  
 20 sible for those attacks.

21 (2) A person who was a part of or substantially  
 22 supported al-Qaeda, the Taliban, or associated forces  
 23 that are engaged in hostilities against the United  
 24 States or its coalition partners, including any person  
 25 who has committed a belligerent act or has directly

1 supported such hostilities in aid of such enemy  
2 forces.

3 (c) DISPOSITION UNDER LAW OF WAR.—The dis-  
4 position of a person under the law of war as described  
5 in subsection (a) may include the following:

6 (1) Detention under the law of war without  
7 trial until the end of the hostilities authorized by the  
8 Authorization for Use of Military Force.

9 (2) Trial under chapter 47A of title 10, United  
10 States Code (as amended by the Military Commis-  
11 sions Act of 2009 (title XVIII of Public Law 111–  
12 84)).

13 (3) Transfer for trial by an alternative court or  
14 competent tribunal having lawful jurisdiction.

15 (4) Transfer to the custody or control of the  
16 person’s country of origin, any other foreign coun-  
17 try, or any other foreign entity.

18 (d) CONSTRUCTION.—Nothing in this section is in-  
19 tended to limit or expand the authority of the President  
20 or the scope of the Authorization for Use of Military  
21 Force.

22 (e) REQUIREMENT FOR BRIEFINGS OF CONGRESS.—  
23 The Secretary of Defense shall regularly brief Congress  
24 regarding the application of the authority described in this  
25 section, including the organizations, entities, and individ-

1 uals considered to be “covered persons” for purposes of  
2 subsection (b)(2).

3 **SEC. 1032. REQUIREMENT FOR MILITARY CUSTODY.**

4 (a) CUSTODY PENDING DISPOSITION UNDER LAW OF  
5 WAR.—

6 (1) IN GENERAL.—Except as provided in para-  
7 graph (4), the Armed Forces of the United States  
8 shall hold a person described in paragraph (2) who  
9 is captured in the course of hostilities authorized by  
10 the Authorization for Use of Military Force (Public  
11 Law 107–40) in military custody pending disposition  
12 under the law of war.

13 (2) COVERED PERSONS.—The requirement in  
14 paragraph (1) shall apply to any person whose de-  
15 tention is authorized under section 1031 who is de-  
16 termined—

17 (A) to be a member of, or part of, al-  
18 Qaeda or an associated force that acts in co-  
19 ordination with or pursuant to the direction of  
20 al-Qaeda; and

21 (B) to have participated in the course of  
22 planning or carrying out an attack or attempted  
23 attack against the United States or its coalition  
24 partners.