

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 4310
OFFERED BY MR. SMITH OF WASHINGTON**

At the end of subtitle D of title X, add the following
new section:

1 **SEC. 1044. DISPOSITION OF COVERED PERSONS DETAINED**
2 **IN THE UNITED STATES PURSUANT TO THE**
3 **AUTHORIZATION FOR USE OF MILITARY**
4 **FORCE.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Due Process and Military Detention Amendments Act”.

7 (b) **DISPOSITION.**—Section 1021 of the National De-
8 fense Authorization Act for Fiscal Year 2012 is amend-
9 ed—

10 (1) in subsection (c), by striking “The disposi-
11 tion” and inserting “Except as provided in sub-
12 section (g), the disposition”; and

13 (2) by adding at the end the following new sub-
14 sections:

15 “(g) **DISPOSITION OF PERSONS DETAINED IN THE**
16 **UNITED STATES.**—

17 “(1) **PERSONS DETAINED PURSUANT TO THE**
18 **AUTHORIZATION FOR USE OF MILITARY FORCE OR**

1 THE FISCAL YEAR 2012 OR 2013 NATIONAL DE-
2 FENSE AUTHORIZATION ACTS.—In the case of a cov-
3 ered person who is detained in the United States, or
4 a territory or possession of the United States, pursu-
5 ant to the Authorization for Use of Military Force,
6 this Act, or the National Defense Authorization Act
7 for Fiscal Year 2013, disposition under the law of
8 war shall occur immediately upon the person coming
9 into custody of the Federal Government and shall
10 only mean the immediate transfer of the person for
11 trial and proceedings by a court established under
12 Article III of the Constitution of the United States
13 or by an appropriate State court. Such trial and pro-
14 ceedings shall have all the due process as provided
15 for under the Constitution of the United States.

16 “(2) PROHIBITION ON TRANSFER TO MILITARY
17 CUSTODY.—No person detained, captured, or ar-
18 rested in the United States, or a territory or posses-
19 sion of the United States, may be transferred to the
20 custody of the Armed Forces for detention under the
21 Authorization for Use of Military Force, this Act, or
22 the National Defense Authorization Act for Fiscal
23 Year 2013.

24 “(h) RULE OF CONSTRUCTION.—This section shall
25 not be construed to authorize the detention of a person

1 within the United States, or a territory or possession of
2 the United States, under the Authorization for Use of
3 Military Force, this Act, or the National Defense Author-
4 ization Act for Fiscal Year 2013.”.

5 (c) REPEAL OF REQUIREMENT FOR MILITARY CUS-
6 TODY.—

7 (1) REPEAL.—Section 1022 of the National
8 Defense Authorization Act for Fiscal Year 2012 is
9 hereby repealed.

10 (2) CONFORMING AMENDMENT.—Section
11 1029(b) of such Act is amended by striking “applies
12 to” and all that follows through “any other person”
13 and inserting “applies to any person”.

