

AMENDMENT TO H.R. 4310
OFFERED BY M . _____

At the appropriate place in the bill, insert the following new section:

1 **SEC. ____ . 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**
19 **THE FISCAL YEAR 2012 OR 2013 NATIONAL DE-**

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

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

23 “(h) RULE OF CONSTRUCTION.—This section shall
24 not be construed to authorize the detention of a person
25 within the United States, or a territory or possession of

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

4 (c) REPEAL OF REQUIREMENT FOR MILITARY CUS-
5 TODAY.—

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8 hereby repealed.

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

