AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MR. SMITH OF WASHINGTON AND
MR. GIBSON OF NEW YORK

Page 405, after line 9, insert the following:

SEC. 1040B. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

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

(b) DISPOSITION.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) in subsection (c), by striking “The disposition” and inserting “Except as provided in subsection (g), the disposition”; and

(2) by adding at the end the following new subsections:

“(g) DISPOSITION OF PERSONS DETAINED IN THE UNITED STATES.—
“(1) **Persons detained pursuant to the**
Authorization for Use of Military Force or
the Fiscal Year 2012 National Defense Au-
thorization Act.—In the case of a covered person
who is detained in the United States, or a territory
or possession of the United States, pursuant to the
Authorization for Use of Military Force or this Act,
disposition under the law of war shall occur imme-
diately upon the person coming into custody of the
Federal Government and shall only mean the imme-
diate transfer of the person for trial and proceedings
by a court established under Article III of the Con-
stitution of the United States or by an appropriate
State court. Such trial and proceedings shall have all
the due process as provided for under the Constitu-
tion of the United States.

“(2) **Prohibition on transfer to military**
custody.—No person detained, captured, or ar-
rested in the United States, or a territory or posses-
sion of the United States, may be transferred to the
custody of the Armed Forces for detention under the
Authorization for Use of Military Force or this Act.

“(h) **Rule of construction.**—This section shall
not be construed to authorize the detention of a person
within the United States, or a territory or possession of
the United States, under the Authorization for Use of
Military Force or this Act.”.

(c) **Repeal of Requirement for Military Custody.**—

(1) **Repeal.**—Section 1022 of the National
Defense Authorization Act for Fiscal Year 2012 is
hereby repealed.

(2) **Conforming Amendment.**—Section
1029(b) of such Act is amended by striking “applies
to” and all that follows through “any other person”
and inserting “applies to any person”.

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