

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. SMITH OF WASHINGTON AND
MR. BROUN OF GEORGIA**

Page 294, after line 21, insert the following:

1 **SEC. 1034. 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 (Public Law
9 112–81; 125 Stat. 1562; 10 U.S.C. 801 note) is amend-
10 ed—

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

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

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

1 “(1) PERSONS DETAINED PURSUANT TO THE
2 AUTHORIZATION FOR USE OF MILITARY FORCE OR
3 THE FISCAL YEAR 2012 NATIONAL DEFENSE AU-
4 THORIZATION ACT.—In the case of a covered person
5 who is detained in the United States, or a territory
6 or possession of the United States, pursuant to the
7 Authorization for Use of Military Force or this Act,
8 disposition under the law of war shall occur imme-
9 diately upon the person coming into custody of the
10 Federal Government and shall only mean the imme-
11 diate transfer of the person for trial and proceedings
12 by a court established under Article III of the Con-
13 stitution of the United States or by an appropriate
14 State court. Such trial and proceedings shall have all
15 the due process as provided for under the Constitu-
16 tion of the United States.

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

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 or this Act.”.

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

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7 hereby repealed.

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

