AMENDMENT TO RULES COMMITTEE PRINT 116-19

OFFERED BY MR. AMASH OF MICHIGAN

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

SEC. 10. MODIFICATION AND REPEAL OF PROVISIONS RELATING TO MILITARY DETENTION OF CERTAIN PERSONS.

(a) DISPOSITION.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 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 AUTHORIZATION 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.”.

(b) REPEAL OF REQUIREMENT FOR MILITARY CUS-
TODY.—

(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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