

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:

1 **SEC. 10__ . MODIFICATION AND REPEAL OF PROVISIONS**
2 **RELATING TO MILITARY DETENTION OF CER-**
3 **TAIN PERSONS.**

4 (a) DISPOSITION.—Section 1021 of the National De-
5 fense Authorization Act for Fiscal Year 2012 (Public Law
6 112–81; 10 U.S.C. 801 note) is amended—

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

10 (2) by adding at the end the following new sub-
11 sections:

12 “(g) DISPOSITION OF PERSONS DETAINED IN THE
13 UNITED STATES.—

14 “(1) PERSONS DETAINED PURSUANT TO THE
15 AUTHORIZATION FOR USE OF MILITARY FORCE OR
16 THE FISCAL YEAR 2012 NATIONAL DEFENSE AU-
17 THORIZATION ACT.—In the case of a covered person
18 who is detained in the United States, or a territory

1 or possession of the United States, pursuant to the
2 Authorization for Use of Military Force or this Act,
3 disposition under the law of war shall occur imme-
4 diately upon the person coming into custody of the
5 Federal Government and shall only mean the imme-
6 diate transfer of the person for trial and proceedings
7 by a court established under Article III of the Con-
8 stitution of the United States or by an appropriate
9 State court. Such trial and proceedings shall have all
10 the due process as provided for under the Constitu-
11 tion of the United States.

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

18 “(h) RULE OF CONSTRUCTION.—This section shall
19 not be construed to authorize the detention of a person
20 within the United States, or a territory or possession of
21 the United States, under the Authorization for Use of
22 Military Force or this Act.”.

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

1 (1) REPEAL.—Section 1022 of the National
2 Defense Authorization Act for Fiscal Year 2012
3 (Public Law 112–81; 10 U.S.C. 801 note).

4 (2) CONFORMING AMENDMENT.—Section
5 1029(b) of such Act is amended by striking “applies
6 to” and all that follows through “any other person”
7 and inserting “applies to any person”.

