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:

SEC. 1034. 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 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 immediately upon the person coming into custody of the Federal Government and shall only mean the immediate transfer of the person for trial and proceedings by a court established under Article III of the Constitution 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 Constitution of the United States.

“(2) Prohibition on transfer to military custody.—No person detained, captured, or arrested in the United States, or a territory or possession 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(1) **REPEAL.**—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 is hereby repealed.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”.

[✓]