

DL.C.
Dianne Feinstein

11-27-12

6:43p

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 3254

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GPO: 2010 68-070 (mac)

AMENDMENT intended to be proposed by Mrs. FEINSTEIN, *Lee, Coons,*
Viz: *Collins, Paul, Lautenberg, Gillibrand, Kirk*

- 1 At the end of subtitle D of title X, add the following:
- 2 **SEC. 1032. PROHIBITION ON THE INDEFINITE DETENTION**
- 3 **OF CITIZENS AND LAWFUL PERMANENT RESI-**
- 4 **DENTS.**
- 5 Section 4001 of title 18, United States Code, is
- 6 amended—
- 7 (1) by redesignating subsection (b) as sub-
- 8 section (c); and

1 (2) by inserting after subsection (a) the fol-
2 lowing:

3 “(b)(1) An authorization to use military force, a dec-
4 laration of war, or any similar authority shall not author-
5 ize the detention without charge or trial of a citizen or
6 lawful permanent resident of the United States appre-
7 hended in the United States, unless an Act of Congress
8 expressly authorizes such detention.

9 “(2) Paragraph (1) applies to an authorization to use
10 military force, a declaration of war, or any similar author-
11 ity enacted before, on, or after the date of the enactment
12 of the National Defense Authorization Act For Fiscal
13 Year 2013.

14 “(3) Paragraph (1) shall not be construed to author-
15 ize the detention of a citizen of the United States, a lawful
16 permanent resident of the United States, or any other per-
17 son who is apprehended in the United States.”.