

113TH CONGRESS  
1ST SESSION

# H. R. 2325

To provide for the disposition of certain persons detained in the United States pursuant to the Authorization for Use of Military Force.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2013

Mr. SMITH of Washington (for himself and Mr. GIBSON) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the disposition of certain persons detained in the United States pursuant to the Authorization for Use of Military Force.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Due Process and Mili-  
5       itary Detention Amendments Act”.

1 **SEC. 2. DISPOSITION OF COVERED PERSONS DETAINED IN**  
2 **THE UNITED STATES PURSUANT TO THE AU-**  
3 **THORIZATION FOR USE OF MILITARY FORCE.**

4 (a) DISPOSITION.—Section 1021 of the National De-  
5 fense Authorization Act for Fiscal Year 2012 (Public Law  
6 112–81; 125 Stat. 1562; 10 U.S.C. 801 note) is amend-  
7 ed—

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

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

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

15 “(1) PERSONS DETAINED PURSUANT TO THE  
16 AUTHORIZATION FOR USE OF MILITARY FORCE OR  
17 THE FISCAL YEAR 2012 NATIONAL DEFENSE AU-  
18 THORIZATION ACT.—In the case of a covered person  
19 who is detained in the United States, or a territory  
20 or possession of the United States, pursuant to the  
21 Authorization for Use of Military Force (Public Law  
22 107–40; 50 U.S.C. 1541 note) or this Act, disposi-  
23 tion under the law of war shall occur immediately  
24 upon the person coming into custody of the Federal  
25 Government and shall only mean the immediate  
26 transfer of the person for trial and proceedings by

1 a court established under article III of the Constitu-  
2 tion of the United States or by an appropriate State  
3 court. Such trial and proceedings shall have all the  
4 due process as provided for under the Constitution  
5 of the United States.

6 “(2) PROHIBITION ON TRANSFER TO MILITARY  
7 CUSTODY.—No person detained, captured, or ar-  
8 rested in the United States, or a territory or posses-  
9 sion of the United States, may be transferred to the  
10 custody of the Armed Forces for detention under the  
11 Authorization for Use of Military Force or this Act.

12 “(h) RULE OF CONSTRUCTION.—This section shall  
13 not be construed to authorize the detention of a person  
14 within the United States, or a territory or possession of  
15 the United States, under the Authorization for Use of  
16 Military Force or this Act.”.

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

19 (1) REPEAL.—Section 1022 of the National  
20 Defense Authorization Act for Fiscal Year 2012  
21 (Public Law 112–81; 125 Stat. 1563; 10 U.S.C. 801  
22 note) is hereby repealed.

23 (2) CONFORMING AMENDMENT.—Section  
24 1029(b) of such Act (Public Law 112–81; 125 Stat.  
25 1569; 10 U.S.C. 801 note) is amended by striking

- 1 “applies to” and all that follows through “any other
- 2 person” and inserting “applies to any person”.

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