

112TH CONGRESS
2D SESSION

S. 2175

To amend the National Defense Authorization Act for Fiscal Year 2012 to provide for the trial of covered persons detained in the United States pursuant to the Authorization for Use of Military Force and to repeal the requirement for military custody.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2012

Mr. UDALL of Colorado introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend the National Defense Authorization Act for Fiscal Year 2012 to provide for the trial of covered persons detained in the United States pursuant to the Authorization for Use of Military Force and to repeal the requirement for military custody.

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 tary Detention Amendments Act of 2012”.

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 Section 1021 of the National Defense Authorization
 5 Act for Fiscal Year 2012 is amended—

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

9 (2) by adding at the end the following new sub-
 10 section:

11 “(g) DISPOSITION OF COVERED PERSONS DETAINED
 12 IN THE UNITED STATES.—In the case of a covered person
 13 who is detained in the United States pursuant to the Au-
 14 thorization for Use of Military Force, disposition under
 15 the law of war shall only mean the transfer of the person
 16 for trial and proceedings by a court established under Ar-
 17 ticle III of the Constitution of the United States or by
 18 an appropriate State court. Such trial and proceedings
 19 shall have all the due process as provided for under the
 20 Constitution of the United States.”.

21 **SEC. 3. REPEAL OF REQUIREMENT FOR MILITARY CUS-**
 22 **TODY.**

23 (a) REPEAL.—Section 1022 of the National Defense
 24 Authorization Act for Fiscal Year 2012 is hereby repealed.

25 (b) CONFORMING AMENDMENT.—Section 1029(b) of
 26 such Act is amended by striking “applies to” and all that

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

