

113TH CONGRESS
1ST SESSION

S. 1147

To clarify the disposition of covered persons detained in the United States pursuant to the Authorization for Use of Military Force, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2013

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

A BILL

To clarify the disposition of covered persons detained in the United States pursuant to the Authorization for Use of Military Force, and for other purposes.

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 2013”.

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 (Public Law 112–81; 125 Stat.
6 1562; 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 COVERED PERSONS DETAINED
13 IN THE UNITED STATES.—

14 “(1) PERSONS DETAINED PURSUANT TO THIS
15 ACT OR THE AUTHORIZATION FOR USE OF MILITARY
16 FORCE.—In the case of a covered person who is de-
17 tained in the United States pursuant to this Act or
18 the Authorization for Use of Military Force, disposi-
19 tion under the law of war shall occur immediately
20 upon the person coming into custody of the United
21 States Government and shall only mean the imme-
22 diate transfer of the person for trial and proceedings
23 with all the due process rights as provided for under
24 the Constitution of the United States.

25 “(2) PROHIBITION ON TRANSFER TO MILITARY
26 CUSTODY.—No person detained, captured, or ar-

1 rested in the United States, or a territory or posses-
2 sion of the United States, may be transferred to the
3 custody of the Armed Forces for detention under
4 this Act or the Authorization for Use of Military
5 Force.

6 “(h) RULE OF CONSTRUCTION.—This section shall
7 not be construed to authorize the detention of a person
8 within the United States, or a territory or possession of
9 the United States, under this Act or the Authorization for
10 Use of Military Force.”.

11 **SEC. 3. REPEAL OF REQUIREMENT FOR MILITARY CUS-**
12 **TODY.**

13 (a) REPEAL.—Section 1022 of the National Defense
14 Authorization Act for Fiscal Year 2012 (Public Law 112–
15 81; 125 Stat. 1563; 10 U.S.C. 801 note) is hereby re-
16 pealed.

17 (b) CONFORMING AMENDMENT.—Section 1029(b) of
18 such Act (125 Stat. 1570) is amended by striking “applies
19 to” and all that follows through “any other person” and
20 inserting “applies to any person”.

○