

116TH CONGRESS
1ST SESSION

S. 1859

To prohibit the indefinite detention of persons by the United States, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mr. PAUL introduced the following bill; which was read twice and referred to
the Committee on the Judiciary

A BILL

To prohibit the indefinite detention of persons by the United
States, 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 “Sixth Amendment
5 Preservation Act”.

6 **SEC. 2. PROHIBITION ON THE INDEFINITE DETENTION OF**
7 **PERSONS BY THE UNITED STATES.**

8 (a) LIMITATION ON DETENTION.—Section 4001 of
9 title 18, United States Code, is amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) No person shall be imprisoned or otherwise de-
4 tained by the United States except consistent with the
5 Constitution.”;

6 (2) by redesignating subsection (b) as sub-
7 section (c); and

8 (3) by inserting after subsection (a) the fol-
9 lowing:

10 “(b)(1) A general authorization to use military force,
11 a declaration of war, or any similar authority, on its own,
12 shall not be construed to authorize the imprisonment or
13 detention without charge or trial of a person apprehended
14 in the United States.

15 “(2) Paragraph (1) applies to an authorization to use
16 military force, a declaration of war, or any similar author-
17 ity enacted before, on, or after the date of the enactment
18 of the Sixth Amendment Preservation Act.

19 “(3) This section shall not be construed to authorize
20 the imprisonment or detention of any person who is appre-
21 hended in the United States.”.

22 (b) REPEAL OF AUTHORITY OF THE ARMED FORCES
23 OF THE UNITED STATES TO DETAIN COVERED PERSONS
24 PURSUANT TO THE AUTHORIZATION FOR USE OF MILI-
25 TARY FORCE.—Section 1021 of the National Defense Au-

1 thorization Act for Fiscal Year 2012 (Public Law 112–
2 81; 10 U.S.C. 801 note) is repealed.

