AMENDMENT NO. 3018  

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.


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AMENDMENT intended to be proposed by Mrs. FEINSTEIN, Lee, Coons, Collins, Paul, Lautenberg, Gill, Brand, Harkin.

Viz:

1. At the end of subtitle D of title X, add the following:

2. SEC. 1032. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

3. Section 4001 of title 18, United States Code, is amended—

4. (1) by redesignating subsection (b) as subsection (e); and
(2) by inserting after subsection (a) the following:

"(b)(1) 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 apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

"(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

"(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States."