

AMENDMENT NO. _____

Calendar No. _____

Purpose: To clarify that an authorization to use military force, a declaration of war, or any similar authority does not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 5515

To authc	AMENDMENT N^o	2366	ary
activ	By		ary
cons	To:		art-
men			mel
stre	H.R. 5515		ses.
Referre	3		nd
	Page(s)		

GPO: 2016 22-945 (mac)

AMENDMENT intended to be proposed by Mr. LEE *Feinstein Cruz*

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . PROHIBITION ON THE INDEFINITE DETENTION**
- 3 **OF CITIZENS AND LAWFUL PERMANENT RESI-**
- 4 **DENTS.**
- 5 (a) IN GENERAL.—Section 4001(a) of title 18,
- 6 United States Code, is amended to read as follows:
- 7 “(a) No citizen or lawful permanent resident of the
- 8 United States may be imprisoned or otherwise detained

1 by the United States unless such imprisonment or deten-
2 tion is consistent with the Constitution and is carried out
3 pursuant to an Act of Congress that expressly authorizes
4 such imprisonment or detention.”.

5 (b) RELATIONSHIP TO AN AUTHORIZATION TO USE
6 MILITARY FORCE, DECLARATION OF WAR, OR SIMILAR
7 AUTHORITY.—Section 4001 of title 18, United States
8 Code, is amended—

9 (1) by redesignating subsection (b) as sub-
10 section (c); and

11 (2) by inserting after subsection (a) the fol-
12 lowing:

13 “(b)(1) A general authorization to use military force,
14 a declaration of war, or any similar authority, on its own,
15 may not be construed to authorize the imprisonment or
16 detention without charge or trial of a citizen or lawful per-
17 manent resident of the United States apprehended in the
18 United States.

19 “(2) Paragraph (1) shall apply to an authorization
20 to use military force, a declaration of war, or any similar
21 authority enacted before, on, or after the date of the en-
22 actment of this subsection.

23 “(3) This section may not be construed to authorize
24 the imprisonment or detention of a citizen of the United
25 States, a lawful permanent resident of the United States,

1 or any other person who is apprehended in the United
2 States.”.