

114TH CONGRESS
1ST SESSION

S. 24

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2015

Mrs. FEINSTEIN (for herself and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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.

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 Guar-
5 antee Act of 2015”.

1 **SEC. 2. PROHIBITION ON THE INDEFINITE DETENTION OF**
2 **CITIZENS AND LAWFUL PERMANENT RESI-**
3 **DENTS.**

4 Section 4001 of title 18, United States Code, is
5 amended—

6 (1) by striking subsection (a) and inserting the
7 following new subsection (a):

8 “(a) No citizen or lawful permanent resident of the
9 United States shall be imprisoned or otherwise detained
10 by the United States except consistent with the Constitu-
11 tion and pursuant to an act of Congress that expressly
12 authorizes such imprisonment or detention.”;

13 (2) by redesignating subsection (b) as sub-
14 section (c); and

15 (3) by inserting after subsection (a) the fol-
16 lowing:

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

23 “(2) Paragraph (1) applies to an authorization to use
24 military force, a declaration of war, or any similar author-
25 ity enacted before, on, or after the date of the enactment
26 of this subsection.

1 “(3) This section shall not be construed to authorize
2 the imprisonment or detention of a citizen of the United
3 States, a lawful permanent resident of the United States,
4 or any other person who is apprehended in the United
5 States.”.

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