

Rand Paul

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the indefinite detention of persons by the United States.

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

H. R. 5515

To **AMENDMENT N^o 2795** military
 By *Paul* military
 To: department-
 personnel
 poses.
 R **HR 5515** and
2
Page(s)
GPO: 2016 22-945 (mac)

AMENDMENT intended to be proposed by
Mr. Paul to the amendment (No.
) proposed by _____

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . PROHIBITION ON THE INDEFINITE DETENTION**
- 3 **OF PERSONS BY THE UNITED STATES.**
- 4 (a) LIMITATION ON DETENTION.—Section 4001 of
- 5 title 18, United States Code, is amended—
- 6 (1) by striking subsection (a) and inserting the
- 7 following:

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

4 (2) by redesignating subsection (b) as sub-
5 section (e); and

6 (3) by inserting after subsection (a) the fol-
7 lowing:

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

13 “(2) Paragraph (1) applies to an authorization to use
14 military force, a declaration of war, or any similar author-
15 ity enacted before, on, or after the date of the enactment
16 of this paragraph.

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

20 (b) REPEAL OF AUTHORITY OF THE ARMED FORCES
21 OF THE UNITED STATES TO DETAIN COVERED PERSONS
22 PURSUANT TO THE AUTHORIZATION FOR USE OF MILI-
23 TARY FORCE.—Section 1021 of the National Defense Au-
24 thorization Act for Fiscal Year 2012 (Public Law 112–
25 81; 10 U.S.C. 801 note) is repealed.