

112TH CONGRESS
1ST SESSION

H. R. 3676

To amend the detainee provisions of the National Defense Authorization Act for Fiscal Year 2012 to specifically state that United States citizens may not be detained against their will without all the rights of due process afforded to citizens in a court ordained or established by or under Article III of the Constitution of the United States.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2011

Mr. LANDRY (for himself, Mr. DUNCAN of South Carolina, Mr. BUCSHON, Mr. HUELSKAMP, Mr. GRAVES of Georgia, Mr. WALSH of Illinois, Mr. ROKITA, Mr. LABRADOR, Mr. HARRIS, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. CULBERSON, Mr. ROE of Tennessee, Mr. GOWDY, Mr. MULVANEY, Mr. REED, Mr. GOHMERT, Mr. CLARKE of Michigan, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the detainee provisions of the National Defense Authorization Act for Fiscal Year 2012 to specifically state that United States citizens may not be detained against their will without all the rights of due process afforded to citizens in a court ordained or established by or under Article III of the Constitution 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. DUE PROCESS RIGHTS OF UNITED STATES CITI-**
4 **ZENS.**

5 (a) APPLICATION TO DETAINEE PROVISIONS.—Sub-
6 section (e) of section 1021 of the National Defense Au-
7 thorization Act for Fiscal Year 2012 is amended to read
8 as follows:

9 “(e) PROTECTIONS.—

10 “(1) UNITED STATES CITIZENS.—In applying
11 this section and section 1022, no United States citi-
12 zen may be detained against his or her will without
13 all the rights of due process afforded to the citizen
14 in a court ordained or established by or under Arti-
15 cle III of the Constitution of the United States.

16 “(2) LAWFUL RESIDENT ALIENS AND OTHER
17 PERSONS IN THE UNITED STATES.—Nothing in this
18 section shall be construed to affect existing law or
19 authorities relating to the detention of lawful resi-
20 dent aliens of the United States or any other per-
21 sons who are captured or arrested in the United
22 States.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect as of the date of the enact-

1 ment of the National Defense Authorization Act for Fiscal
2 Year 2012.

