

112TH CONGRESS  
1ST SESSION

# H. R. 3702

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 and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

Mr. GARAMENDI (for himself, Mr. TONKO, Mr. SCHIFF, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. HEINRICH, Mr. SHERMAN, Mr. CONYERS, Ms. CLARKE of New York, Mr. CARSON of Indiana, Mr. RUSH, Ms. HIRONO, Ms. HAHN, and Mr. JACKSON of Illinois) introduced the following bill; which was 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 and for other purposes.

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 2011”.

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 redesignating subsection (b) as sub-  
7 section (c); and

8 (2) by inserting after subsection (a) the fol-  
9 lowing:

10 “(b)(1) An authorization to use military force, a dec-  
11 laration of war, or any similar authority shall not author-  
12 ize the detention without charge or trial of a citizen or  
13 lawful permanent resident of the United States appre-  
14 hended in the United States, unless an Act of Congress  
15 expressly authorizes such detention.

16 “(2) Paragraph (1) applies to an authorization to use  
17 military force, a declaration of war, or any similar author-  
18 ity enacted before, on, or after the date of the enactment  
19 of the Due Process Guarantee Act of 2011.”.

○