

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**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.”.