

[SA 2003](#). Mr. LEE (for himself, Mrs. Feinstein, Mr. Cruz, and Ms. Collins) submitted an amendment intended to be proposed by him to the bill [S. 4049](#), to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . DUE PROCESS GUARANTEE.

(a) Short Title.--This section may be cited as the ``Due Process Guarantee Act''.

(b) Prohibition on the Indefinite Detention of Citizens and Lawful Permanent Residents.--

(1) Limitation on detention.--

(A) In general.--Section 4001(a) of title 18, United States Code, is amended--

(i) by striking ``No citizen'' and inserting the following:

``(1) No citizen or lawful permanent resident of the United States''; and

(ii) by adding at the end the following:

``(2) Any Act of Congress that authorizes an imprisonment or detention described in paragraph (1) shall be consistent with the Constitution and expressly authorize such imprisonment or detention.''.

(B) Applicability.--Nothing in section 4001(a)(2) of title 18, United States Code, as added by subparagraph (A)(ii), may be construed to limit, narrow, abolish, or revoke any detention authority conferred by statute, declaration of war, authorization to use military force, or similar authority effective prior to the date of the enactment of this Act.

(2) Relationship to an authorization to use military force, declaration of war, or similar authority.--Section 4001 of title 18, United States Code, as amended by paragraph (1) is further amended--

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following:

``(b)(1) No United States citizen or lawful permanent resident who is apprehended in the United States may be imprisoned or otherwise detained without charge or trial unless such imprisonment or detention is expressly authorized by an Act of Congress.

``(2) A general authorization to use military force, a declaration of war, or any similar authority, on its own, may not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

``(3) Paragraph (2) shall apply to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the Due Process Guarantee Act.

``(4) This section may not be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any

other person who is apprehended in the United States.''.  
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