

111TH CONGRESS
1ST SESSION

H. R. 2294

To require the approval of the relevant State governor and legislature and the President's notification and certification before the transfer or release of an individual currently detained at Guantanamo Bay, Cuba, to a location in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2009

Mr. BOEHNER (for himself, Mr. CANTOR, Mr. PENCE, Mr. McCOTTER, Mrs. McMORRIS RODGERS, Mr. CARTER, Mr. SESSIONS, Mr. McCARTHY of California, Mr. DREIER, Mr. BLUNT, Mr. MCHUGH, Mr. HOEKSTRA, Mr. SMITH of Texas, Mr. KING of New York, Ms. ROS-LEHTINEN, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. WOLF, Ms. GRANGER, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. FLEMING, Mr. SIMPSON, Mr. COLE, Ms. FALLIN, and Mr. AUSTRIA) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require the approval of the relevant State governor and legislature and the President's notification and certification before the transfer or release of an individual currently detained at Guantanamo Bay, Cuba, to a location in 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Keep Terrorists Out
3 of America Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that individuals currently
6 detained at Guantanamo should not be transferred or re-
7 leased into the sovereign territory of the United States.

8 **SEC. 3. REQUIREMENTS RELATING TO THE TRANSFER OR**
9 **RELEASE OF INDIVIDUALS CURRENTLY DE-**
10 **TAINED AT GUANTANAMO TO SOVEREIGN**
11 **TERRITORY OF UNITED STATES.**

12 (a) PROHIBITION.—The President or the President’s
13 designee may not transfer or release an individual cur-
14 rently detained in Guantanamo to any State unless 60
15 days prior to the transfer or release the President or the
16 President’s designee completes the requirements in sub-
17 sections (b) and (c).

18 (b) GOVERNOR AND STATE LEGISLATURE AP-
19 PROVAL.—The requirement under this subsection is
20 that—

21 (1) the President or the President’s designee
22 submits to the governor and legislature of the State
23 to which the President intends to transfer or release
24 an individual currently detained in Guantanamo cer-
25 tification in writing (together with supporting docu-

1 mentation and justification) that the individual does
2 not pose a security risk to the United States; and

3 (2) after receiving the certification pursuant to
4 paragraph (1), the governor and State legislature of
5 that State consent to the transfer or release of the
6 individual covered under this section.

7 (c) PRESIDENTIAL NOTIFICATION AND CERTIFI-
8 CATION REQUIREMENT.—The requirement under this sub-
9 section is that the President submits to Congress, in writ-
10 ing, the following information:

11 (1) The name of any individual to be trans-
12 ferred or released.

13 (2) The location and the installation in the
14 United States where the individual will be trans-
15 ferred or released.

16 (3) A justification for why that location was se-
17 lected.

18 (4) The findings of an analysis carried out by
19 the President describing any risk to the national se-
20 curity of the United States or the residents of the
21 United States that is posed by the transfer or re-
22 lease.

23 (5) A certification that the President has miti-
24 gated any risk described in paragraph (4).

1 (6) A certification that the President has com-
2 pleted the requirements of subsection (b).

3 (7) A certification that the President's transfer
4 or release under subsection (a) of an individual cov-
5 ered by this section will not adversely affect the Gov-
6 ernment's ability to prosecute individuals covered
7 under this section.

8 (8) The findings of an analysis carried out by
9 the President describing any adverse affect such
10 transfer or release will have on the ability of the
11 Government to prosecute individuals covered under
12 this section.

13 (9) A certification that the President's transfer
14 or release under subsection (a) of an individual cov-
15 ered by this section will not adversely affect the Gov-
16 ernment's ability to detain individuals covered under
17 the section.

18 (10) The findings of an analysis carried out by
19 the President describing any adverse affect such
20 transfer or release will have on the ability of the
21 Government to detain individuals covered under this
22 section.

23 (11) A certification that the President's trans-
24 fer or release under subsection (a) of an individual
25 covered by this section will not result in the release

1 of individuals covered under this section into the
2 United States.

3 (12) The findings of an analysis carried out by
4 the President describing how the Federal Govern-
5 ment will ensure the transfer or release described in
6 paragraph (11) will not result in the release of indi-
7 viduals covered under this section into the United
8 States.

9 (d) DEFINITION.—For purposes of this section, the
10 terms “individual currently detained at Guantanamo” and
11 “individual covered by this section” have the meaning
12 given such terms under section 1(c) of Executive Order
13 13492.

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