

110TH CONGRESS
1ST SESSION

S. 1469

To require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2007

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, 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 “Guantanamo Bay De-
5 tention Facility Closure Act of 2007”.

6 **SEC. 2. CLOSURE OF GUANTANAMO BAY DETENTION FACIL-**
7 **ITY AND DISPOSITION OF DETAINEES.**

8 (a) CLOSURE OF FACILITY.—Not later than 120 days
9 after the date of the enactment of this Act, the President

1 shall close the Department of Defense detention facility
2 at Guantanamo Bay Cuba.

3 (b) RESTRICTION ON USE OF FUNDS.—

4 (1) RESTRICTION.—Except as provided in para-
5 graph (2), no amounts appropriated or otherwise
6 made available for fiscal year 2007 or fiscal year
7 2008 may be used for the Guantanamo Bay deten-
8 tion facility or for detention at the Guantanamo Bay
9 detention facility of any foreign national who was
10 detained at such facility on or after March 31, 2007.

11 (2) EXCEPTIONS.—Amounts appropriated or
12 otherwise made available for fiscal year 2007 or fis-
13 cal year 2008 may be used for the following pur-
14 poses related to the detention of foreign nationals
15 who were detained at the Guantanamo Bay deten-
16 tion facility on any date between March 31, 2007
17 and the date of enactment:

18 (A) Transfer to the United States Disciplinary
19 Barracks at Fort Leavenworth, Kansas,
20 for purposes of pretrial detention or detention
21 during a trial or while serving a sentence, of
22 any such person who, not later than 120 days
23 after the date of the enactment of this Act, is
24 charged with an offense under chapter 47A of
25 title 10, United States Code, as added by sec-

1 tion 3 of the Military Commissions Act of 2006
2 (Public Law 109–366), or with a felony offense
3 under title 18, United States Code, or chapter
4 47 of title 10, United States Code (the Uniform
5 Code of Military Justice).

6 (B) Continued detention at the Guanta-
7 namo Bay detention facility for an additional
8 120-day period, not to continue more than 240
9 days after the date of the enactment of this
10 Act, upon written certification by the Secretary
11 of Defense to the Chairmen and Ranking Mem-
12 bers of the Committees on Armed Services of
13 the Senate and the House of Representatives
14 that additional time is needed to complete the
15 investigation and preparation of charges, in-
16 cluding a detailed factual explanation of the
17 specific reasons why the additional time is need-
18 ed.

19 (C) Transfer of any such person to another
20 country, provided that—

21 (i) the transfer complies with the Con-
22 vention Relating to the Status of Refugees,
23 done at Geneva July 28, 1951, the United
24 Nations Convention Against Torture and
25 Other Forms of Cruel, Inhuman or De-

1 grading Treatment or Punishment, done at
2 New York December 10, 1984, and Fed-
3 eral law; and

4 (ii) an individual being so transferred
5 who is asserting a well founded fear of tor-
6 ture, abuse, or persecution has an oppor-
7 tunity to have the claim heard by the Ex-
8 ecutive Office for Immigration Review,
9 subject to the same judicial review pro-
10 vided for in section 242(a)(4) of the Immi-
11 gration and Nationality Act (8 U.S.C.
12 1252(a)(4)).

13 (c) IMMIGRATION STATUS.—The transfer of an indi-
14 vidual under subsection (b)(2)(A) shall not be considered
15 an entry into the United States for purposes of immigra-
16 tion status.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out activities under this Act related to
20 the investigation, prosecution, and defense of cases and
21 claims relating to foreign nationals who were detained at
22 the Guantanamo Bay detention facility on or after March
23 31, 2007, and the transfer of such persons, including for
24 the reimbursement of costs incurred by local communities.

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