

111TH CONGRESS
2D SESSION

H. R. 4464

To prohibit the release or transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba, into or to the custody of any country or region that is recognized by the Department of State or the Department of Defense as a haven for terrorist activity or that has been classified as a state sponsor of terrorism.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2010

Mr. GINGREY of Georgia (for himself, Mr. LINDER, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. OLSON, Mr. POSEY, and Mr. COBLE) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To prohibit the release or transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba, into or to the custody of any country or region that is recognized by the Department of State or the Department of Defense as a haven for terrorist activity or that has been classified as a state sponsor of terrorism.

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 “Prevent Terrorists
5 from Reuniting with Terrorist Cells Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Congress passed the Authorization to use
4 Military Force in the wake of the devastating at-
5 tacks on United States soil on September 11, 2001.

6 (2) Many persons captured during Operation
7 Enduring Freedom and otherwise were transferred
8 to Naval Station, Guantanamo Bay, Cuba (herein-
9 after in this section referred to as “Guantanamo
10 Bay”).

11 (3) The detention facility at Guantanamo Bay
12 is the only complex in the world that can safely hold
13 individuals that pose a high-security risk to the
14 United States.

15 (4) Such facility is a secure location away from
16 population centers, provides maximum security re-
17 quired to prevent escape, provides multiple levels of
18 confinement opportunities based on compliance of
19 the detainee, and provides medical care not available
20 to a majority of the population of the world.

21 (5) As of the date of the enactment of this Act,
22 there are 198 individuals detained at Guantanamo
23 Bay.

24 (6) These detainees include terrorist trainers,
25 terrorist financiers, bomb makers, Osama bin

1 Laden's bodyguards, terrorist recruiters and
2 facilitators, and would-be suicide bombers.

3 (7) Detainees remaining at Guantanamo Bay
4 fall into the following three categories:

5 (A) Detainees who have been cleared for
6 release, but for whom the United States has not
7 been able to find a foreign country willing to
8 accept them.

9 (B) Detainees who have been tried, had
10 charges referred to trial, or are awaiting for re-
11 ferral to trial, including for alleged violations of
12 the law of war.

13 (C) Detainees who either pose a high
14 threat to the United States or who have been
15 placed in preventive detention to stop them
16 from returning to the battlefield.

17 (8) Although 779 individuals have been trans-
18 ferred to Guantanamo Bay since early 2002, the
19 substantial majority of Guantanamo Bay detainees
20 have ultimately been transferred to a third country
21 for continued detention or release.

22 (9) Since 2002, of the 779 total detainees, more
23 than 550 have departed Guantanamo Bay for other
24 countries, including Albania, Afghanistan, Australia,
25 Bangladesh, Bahrain, Belgium, Denmark, Egypt,

1 France, Iran, Iraq, Jordan, Kuwait, Kazakhstan,
2 Libya, Maldives, Mauritania, Morocco, Pakistan,
3 Qatar, Russia, Saudi Arabia, Spain, Sweden, Sudan,
4 Tajikistan, Turkey, Uganda, the United Kingdom,
5 United States, and Yemen.

6 (10) In the Department of State publication en-
7 titled “Country Reports on Terrorism 2008”, print-
8 ed on April 30, 2009, there are listed 22 nations
9 and regions that are considered to be terrorist safe
10 havens and 4 nations considered to be state sponsors
11 of terrorism.

12 (11) As of the date of the enactment of this
13 Act, individuals who were detained at Guantanamo
14 Bay have been transferred for detention or release
15 to 4 of the 22 regions or nations considered terrorist
16 safe havens and 2 of the 4 nations listed as State
17 Sponsors of terrorism.

18 (12) Iraq is recognized as a nation with ter-
19 rorist activity by the Department of State, and at
20 least 7 individuals who were detained at Guanta-
21 namo Bay have been transferred to or released into
22 Iraq.

23 (13) Afghanistan is recognized as a terrorist
24 safe haven by the Department of State, and at least
25 199 individuals who were detained at Guantanamo

1 Bay have been transferred to or released into Af-
2 ghanistan.

3 (14) Pakistan is recognized as a terrorist safe
4 haven by the Department of State, and at least 63
5 individuals who were detained at Guantanamo Bay
6 have been transferred to or released into Pakistan.

7 (15) Iran is recognized as “the most active
8 state sponsor of terrorism” by the Department of
9 State, and at least 2 individuals who were detained
10 at Guantanamo Bay have been transferred to or re-
11 leased into Iran.

12 (16) Sudan is recognized as a state sponsor of
13 terrorism by the Department of State, and at least
14 9 individuals who were detained at Guantanamo Bay
15 have been transferred to or released into Sudan.

16 (17) Yemen is recognized as a terrorist safe
17 haven by the Department of State, and at least 21
18 individuals who were detained at Guantanamo Bay
19 have been transferred to or released into Yemen.

20 (18) There are approximately 90 Yemeni na-
21 tionals who are detained at Guantanamo Bay as of
22 the date of the enactment of this Act, approximately
23 45 of which have been qualified for repatriation.

24 (19) Said Ali al-Shihri, who is suspected of in-
25 volvement in the bombing of the United States Em-

1 bassy in Yemen on September 17, 2008, was re-
2 leased from detention at Guantanamo Bay to Saudi
3 Arabia in 2007, passed through a Saudi rehabilita-
4 tion program, and has resurfaced as the new deputy
5 leader of al Qaeda in Yemen.

6 (20) On December 25, 2009, there was an at-
7 tempted terrorist attack on American soil when
8 Umar Farouk Abdulmutallab detonated an explosive
9 device that fortunately malfunctioned.

10 (21) Al Qaeda in Yemen has declared that it
11 trained Abdulmutallab, who now has sworn charges
12 against him, in terrorist activity.

13 (22) Although President Obama has tempo-
14 rarily halted the transfer of Guantanamo Bay de-
15 tainees to Yemen, detainees are still permitted to be
16 transferred to other nations recognized by the De-
17 partment of State as being complicit in terrorist ac-
18 tivity, being that they are terrorist safe havens or
19 state sponsors of terrorism.

20 (23) According to the Department of Defense
21 special report entitled “Ex-Guantanamo Detainees
22 Who Have Returned to the Fight” published on
23 April 7, 2009, 14 percent of the former Guantanamo
24 Bay detainees have been confirmed or suspected of
25 reengaging in terrorist activities.

1 (24) The special report also says “of the more
2 than 530 Guantanamo detainees transferred from
3 Department of Defense custody at Guantanamo
4 Bay, 27 were confirmed and 47 were suspected of
5 reengaging in terrorist activity. Between December
6 2008 and March 2009, nine detainees were added to
7 the confirmed list, six of whom were previously on
8 the suspected list.”.

9 (25) It has been reported that the recidivism
10 rate for Guantanamo Bay detainees that have been
11 transferred or released from the detention facility at
12 Guantanamo Bay, Cuba, has risen from 14 percent
13 to 20 percent since the special report was published.

14 (26) The threat to the national security inter-
15 ests of the United States and the welfare of its peo-
16 ple is at a greater risk when Guantanamo Bay de-
17 tainees are transferred or released into nations rec-
18 ognized as terrorist safe havens or state sponsors of
19 terrorism.

20 (27) The world is globally connected and mobile
21 and allows for the transport of individuals across na-
22 tional and international boundaries with minimal or
23 no supervision.

1 **SEC. 3. LIMITATION ON TRANSFER AND RELEASE OF INDIVIDUALS DETAINED AT NAVAL STATION,**
2
3 **GUANTANAMO BAY, CUBA.**

4 No individual who is detained at Naval Station,
5 Guantanamo Bay, Cuba, as of the date of the enactment
6 of this Act, may be transferred or repatriated, for the pur-
7 poses of release or detention, into a nation or region that
8 is recognized by the Department of State or the Depart-
9 ment of Defense as a haven of any manner, kind, or fash-
10 ion for terrorist activity or that has been classified as a
11 state sponsor of terrorism.

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