

111TH CONGRESS  
2D SESSION

# H. R. 4490

To require the President to submit certain certifications to Congress before transferring or releasing an individual detained at Naval Station, Guantanamo Bay, Cuba, to the custody of another country.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2010

Mr. McKEON (for himself, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. AKIN, Mr. FRANKS of Arizona, Mr. FORBES, Mr. ROGERS of Alabama, Mrs. McMORRIS RODGERS, Mr. SHUSTER, Mr. PLATTS, Mr. LoBIONDO, Mr. KLINE of Minnesota, Mr. BISHOP of Utah, Mr. TURNER, Mr. CONAWAY, Mr. ROONEY, Mr. HUNTER, Ms. FALLIN, Mr. LAMBORN, Mr. THORNBERRY, Mr. JONES, Mr. MILLER of Florida, Mr. FLEMING, Mr. COFFMAN of Colorado, Mr. BOEHNER, Mr. CARTER, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. GINGREY of Georgia, Ms. ROS-LEHTINEN, Mr. KING of New York, Mr. CANTOR, Mrs. MILLER of Michigan, and Mr. McCARTHY of California) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To require the President to submit certain certifications to Congress before transferring or releasing an individual detained at Naval Station, Guantanamo Bay, Cuba, to the custody of another country.

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 “Detainee Transfer and  
3 Release Security Act of 2010”.

4 **SEC. 2. LIMITATION ON THE TRANSFER OR RELEASE OF IN-**  
5 **DIVIDUALS DETAINED AT NAVAL STATION,**  
6 **GUANTANAMO BAY, CUBA.**

7       (a) **TRANSFER OR RELEASE LIMITATION.**—The  
8 President or the President’s designee may not release or  
9 transfer an individual currently detained at Guantanamo  
10 to the custody of the individual’s country of origin or to  
11 a third country unless the President makes the certifi-  
12 cation described in subsection (b).

13       (b) **PRESIDENTIAL CERTIFICATION.**—The certifi-  
14 cation described in this subsection is a written certification  
15 that the President submits to Congress that contains each  
16 of the following with respect to an individual currently de-  
17 tained at Guantanamo or an individual covered by this  
18 section who is proposed to be transferred to or released  
19 into the custody of another country:

20           (1) A certification that the country to which the  
21 individual is to be transferred or released is not a  
22 designated state sponsor of terrorism.

23           (2) A certification that such country’s govern-  
24 ment can secure and exercise control over all of its  
25 territory.

1           (3) A certification that no portion of such coun-  
2       try's territory serves as a safe haven for terrorists  
3       or insurgent groups in the region, particularly al  
4       Qaeda, in which such a group may be able to plan,  
5       organize, and support terrorist operations.

6           (4) A certification that there is no confirmed  
7       case of any individual who had been detained at  
8       Guantanamo who reengaged in terrorist activities  
9       subsequent to being transferred or released to such  
10      country.

11       (c) DEFINITION.—For purposes of this section, the  
12      term “individual currently detained at Guantanamo” has  
13      the meaning given such terms under section 1(c) of Execu-  
14      tive Order 13492.

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