

111TH CONGRESS
1ST SESSION

S. 1081

To prohibit the release of enemy combatants into the United States.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Mr. GRAHAM (for himself and Mr. LIEBERMAN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the release of enemy combatants into the United
States.

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. RELEASE OR TRANSFER OF COVERED INDIVID-**
4 **UALS.**

5 (a) COVERED INDIVIDUAL DEFINED.—In this sec-
6 tion, the term “covered individual” means any individual
7 who—

8 (1) has ever been determined by a Combatant
9 Status Review Tribunal to be an enemy combatant
10 (pursuant to the definition employed by that tri-

1 bunal) or is awaiting the determination of such a tri-
2 bunal;

3 (2) is in the custody of the United States at
4 Guantanamo Bay, Cuba on or after the date of en-
5 actment of this Act; and

6 (3) is not a citizen of the United States or an
7 alien admitted for permanent residence in the
8 United States.

9 (b) COVERED INDIVIDUALS ORDERED RELEASED.—

10 (1) IN GENERAL.—No court shall order the re-
11 lease of a covered individual into the United States.

12 (2) VISAS AND IMMIGRATION.—The Secretary
13 of State may not issue any visa, and the Secretary
14 of Homeland Security may not admit or provide any
15 type of status, to a covered individual that permits
16 the covered individual to enter into, or be admitted
17 to, the United States.

18 (c) TRANSFER.—

19 (1) IN GENERAL.—If a covered individual is no
20 longer held by the United States as an enemy com-
21 batant, the covered individual shall be released into
22 the custody of the Secretary of Homeland Security,
23 who shall transfer the individual to the covered indi-
24 vidual's country of nationality or to another country.

1 (2) HOUSING.—An individual in the custody of
2 the Secretary of Homeland Security pursuant to
3 paragraph (1) shall be housed separately from aliens
4 detained as enemy combatants by the Department of
5 Defense in a manner consistent with the safety and
6 security of United States personnel.

7 (3) TRANSFER.—Transfers made pursuant to
8 paragraph (1) shall be carried out as expeditiously
9 as possible and in a manner that is consistent
10 with—

11 (A) the policy set out in section 2242 of
12 the Foreign Relations Authorization Act, Fiscal
13 Years 1998 and 1999 (8 U.S.C. 1231 note);
14 and

15 (B) the national security interests of the
16 United States.

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