

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.

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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

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## 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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