

# Guantanamo Bay Detention Facility Closure Act of 2007 (Introduced in Senate)

S 1469 IS

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

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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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the 'Guantanamo Bay Detention Facility Closure Act of 2007 '.

### SEC. 2. CLOSURE OF GUANTANAMO BAY DETENTION FACILITY AND DISPOSITION OF DETAINEES.

(a) Closure of Facility - Not later than 120 days after the date of the enactment of this Act , the President shall close the Department of Defense detention facility at Guantanamo Bay Cuba.

(b) Restriction on Use of Funds-

(1) RESTRICTION- Except as provided in paragraph (2), no amounts appropriated or otherwise made available for fiscal year 2007 or fiscal year 2008 may be used for the Guantanamo Bay detention facility or for detention at the Guantanamo Bay detention facility of any foreign national who was detained at such facility on or after March 31, 2007 .

(2) EXCEPTIONS- Amounts appropriated or otherwise made available for fiscal year 2007 or fiscal year 2008 may be used for the following purposes related to the detention of foreign nationals who were detained at the Guantanamo Bay detention facility on any date between March 31, 2007 and the date of enactment:

(A) Transfer to the United States Disciplinary Barracks at Fort Leavenworth, Kansas, for purposes of pretrial detention or detention during a trial or while serving a sentence, of any such person who, not later than 120 days after the date of the enactment of this Act, is charged with an offense under chapter 47A of title 10, United States Code, as added by section 3 of the Military Commissions Act of 2006 (Public Law 109-366), or with a felony offense under title 18, United States Code, or chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(B) Continued detention at the Guantanamo Bay detention facility for an additional 120-day period, not to continue more than 240 days after the date of the enactment of this Act, upon written certification by the Secretary of Defense to the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives that additional time is needed to complete the investigation and preparation of charges, including a detailed factual explanation of the specific reasons why the additional time is needed.

(C) Transfer of any such person to another country, provided that--

(i) the transfer complies with the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951, the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and Federal law; and

(ii) an individual being so transferred who is asserting a well founded fear of torture, abuse, or persecution has an opportunity to have the claim heard by the Executive Office for Immigration Review, subject to the same judicial review provided for in section 242(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(4)).

(c) Immigration Status- The transfer of an individual under subsection (b)(2)(A) shall not be considered an entry into the United States for purposes of immigration status.

(d) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary to carry out activities under this Act related to the investigation, prosecution, and defense of cases and claims relating to foreign nationals who were detained at the Guantanamo Bay detention facility on or after March 31, 2007, and the transfer of such persons, including for the reimbursement of costs incurred by local communities.