

111TH CONGRESS  
1ST SESSION

# S. 1081

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

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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

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## 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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