

**AMENDMENT TO H.R. 2346, AS REPORTED
(SUPPLEMENTAL APPROPRIATIONS)
OFFERED BY MR. WOLF OF VIRGINIA**

At the end of the bill (before the short title), insert
the following:

1 RESTRICTIONS AND REQUIREMENTS REGARDING THE
2 TRANSFER OR RELEASE OF GUANTANAMO BAY DE-
3 TAINÉES INTO THE UNITED STATES

4 SEC. _____. (a) None of the funds made available in
5 this or any other Act may be used to transfer or release
6 prior to October 1, 2009, an individual who is detained,
7 as of April 30, 2009, at Naval Station, Guantanamo Bay,
8 Cuba, into the continental United States, Alaska, Hawaii,
9 or the District of Columbia, for the purposes of detaining,
10 releasing, or prosecuting such individual.

11 (b) Not later than August 22, 2009, the President
12 shall submit to the Congress, in writing, a comprehensive
13 plan regarding the proposed disposition of each individual
14 who is detained, as of April 30, 2009, at Naval Station,
15 Guantanamo Bay, Cuba, who is not covered under sub-
16 section (c). Such plan shall include, at a minimum, each
17 of the following for each such individual:

1 (1) The findings of an analysis carried out by
2 the President describing any risk to the national se-
3 curity of the United States or the residents of the
4 United States that is posed by the transfer or re-
5 lease of the individual.

6 (2) A certification by the President that any
7 risk described in paragraph (1) has been mitigated,
8 together with a full description of the President's
9 plan for such mitigation.

10 (3) A certification by the President that the
11 President has submitted to the Governor and legisla-
12 ture of the State to which the President intends to
13 transfer or release the individual and certification in
14 writing (together with supporting documentation
15 and justification) that the individual does not pose
16 a security risk to the United States, and that the
17 Governor and State legislature of that State consent
18 to the transfer or release of the individual.

19 (4) A certification by the President that the
20 transfer of the individual into the continental United
21 States, Alaska, Hawaii, or the District of Columbia
22 will not have an adverse affect on the United States
23 Government's ability to further detain or prosecute
24 such individual, in accordance with the laws of the

1 United States, for any offenses the individual may
2 have committed.

3 (c) None of the funds made available in this or any
4 other Act may be used to transfer or release an individual
5 detained at Guantanamo Bay, Cuba, as of April 30, 2009,
6 to the country of such individual's nationality or last ha-
7 bitual residence or to any other country other than the
8 United States, unless the President submits to the Con-
9 gress, in writing, at least 30 days prior to such transfer
10 or release, the following information:

11 (1) The name of any individual to be trans-
12 ferred or released and the country to which such in-
13 dividual is to be transferred or released.

14 (2) An assessment of any risk to the national
15 security of the United States or its citizens, includ-
16 ing members of the Armed Forces of the United
17 States, that is posed by such transfer or release and
18 the actions taken to mitigate such risk.

19 (3) The terms of any agreement with another
20 country for acceptance of such individual, including
21 the amount of any financial assistance related to
22 such agreement.

23 (d) Not later than August 22, 2009, the President
24 shall submit to the Congress, in writing, a detailed anal-
25 ysis of the total estimated direct costs of closing the deten-

1 tion facility at Naval Station, Guantanamo Bay, Cuba,
2 and any related costs, including the estimated costs of de-
3 tention, prosecution, security, and incarceration in the
4 United States of the individuals detained at such facility
5 as of April 30, 2009, and the estimated costs of transfer-
6 ring or releasing such individuals to other countries.

7 (e) The plan required by subsection (b) and the infor-
8 mation required by subsections (c) and (d) shall be sub-
9 mitted in unclassified form, but shall include a classified
10 annex if necessary.

