

**AMENDMENT TO H.R. 2346, AS REPORTED**

Page 72, after line 18, insert the following (and re-designate the subsequent section accordingly):

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

4 SEC. 30004. (a) None of the funds made available  
5 in this or any prior Act may be used to release an indi-  
6 vidual who is detained, as of April, 30, 2009, at Naval  
7 Station, Guantanamo Bay, Cuba, into the continental  
8 United States, Alaska, Hawaii, or the District of Colum-  
9 bia.

10 (b) None of the funds made available in this or any  
11 prior Act may be used to transfer an individual who is  
12 detained, as of April, 30, 2009, at Naval Station, Guanta-  
13 namo Bay, Cuba, into the continental United States, Alas-  
14 ka, Hawaii, or the District of Columbia, for the purposes  
15 of detaining or prosecuting such individual until 2 months  
16 after the plan detailed in subsection (c) is received.

17 (c) The President shall submit to the Congress, in  
18 writing, a comprehensive plan regarding the proposed dis-  
19 position of each individual who is detained, as of April,  
20 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who

1 is not covered under subsection (d). Such plan shall in-  
2 clude, at a minimum, each of the following for each such  
3 individual:

4 (1) The findings of an analysis regarding any  
5 risk to the national security of the United States  
6 that is posed by the transfer of the individual.

7 (2) The costs associated with not transferring  
8 the individual in question.

9 (3) The legal rationale and associated court de-  
10 mands for transfer.

11 (4) A certification by the President that any  
12 risk described in paragraph (1) has been mitigated,  
13 together with a full description of the plan for such  
14 mitigation.

15 (5) A certification by the President that the  
16 President has submitted to the Governor and legisla-  
17 ture of the State to which the President intends to  
18 transfer the individual a certification in writing at  
19 least 30 days prior to such transfer (together with  
20 supporting documentation and justification) that the  
21 individual does not pose a security risk to the United  
22 States.

23 (d) None of the funds made available in this or any  
24 prior Act may be used to transfer or release an individual  
25 detained at Naval Station, Guantanamo Bay, Cuba, as of

1 April 30, 2009, to the country of such individual's nation-  
2 ality or last habitual residence or to any other country  
3 other than the United States, unless the President submits  
4 to the Congress, in writing, at least 30 days prior to such  
5 transfer or release, the following information:

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

9 (2) An assessment of any risk to the national  
10 security of the United States or its citizens, includ-  
11 ing members of the Armed Services of the United  
12 States, that is posed by such transfer or release and  
13 the actions taken to mitigate such risk.

14 (3) The terms of any agreement with another  
15 country for acceptance of such individual, including  
16 the amount of any financial assistance related to  
17 such agreement.

