42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. SMITH OF WASHINGTON

Page 456, line 13, insert before the period at the end the following: ", except for the purpose of prosecuting such individual in a United States court".

Page 456, starting on line 14, strike subsection (b) and insert the following:

1 (b) INDIVIDUAL DESCRIBED.—An individual de-
2 scribed in this subsection is an individual who is not a
3 citizen of the United States or a member of the Armed
4 Forces.

Page 456, after line 23, insert the following:

5 (c) TRANSFER LIMITATION.—During fiscal year
6 2012, the Secretary of Defense may not use any of the
7 amounts authorized to be appropriated in this Act or oth-
8 erwise available to the Department of Defense to transfer
9 any individual described in subsection (b) to the United
10 States, its territories, or possessions, until 45 days after
11 the President has submitted to the congressional defense
12 committees the plan described in subsection (d).
13 (d) COMPREHENSIVE PLAN REQUIRED.—The Presi-
14 dent shall submit to the congressional defense committees

1 a plan for the disposition of each individual described in
2 subsection (b) who is proposed to be transferred to the
3 United States, its territories, or possessions. Such plan for
4 each individual shall include, at a minimum—

5 (1) an assessment of the risk that the indi-
6 vidual described in subsection (b) poses to the na-
7 tional security of the United States, its territories,
8 or possessions;

9 (2) a proposal for the disposition of each such
10 individual;

11 (3) the measures to be taken to mitigate any
12 risks described in paragraph (1);

13 (4) the location or locations at which the indi-
14 vidual will be held under the proposal for disposition
15 required by paragraph (2);

16 (5) the costs associated with executing the plan,
17 including technical and financial assistance required
18 to be provided to State and local law enforcement
19 agencies, if necessary, to carry out the plan;

20 (6) a summary of the consultation required in
21 subsection (e); and

22 (7) a certification by the Attorney General that
23 under the plan the individual poses little or no secu-
24 rity risk to the United States, its territories, or pos-
25 sessions.

1 (e) CONSULTATION REQUIRED.—The President shall
2 consult with the chief executive of the State, the District
3 of Columbia, or the territory or possession of the United
4 States to which the disposition in subsection (d)(2) in-
5 cludes transfer to that State, District of Columbia, or ter-
6 ritory or possession.