

111TH CONGRESS
2D SESSION

H. R. 4648

To prohibit the release or parole of certain unprivileged enemy belligerents into the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2010

Mr. SMITH of Texas (for himself, Mr. KING of New York, Mr. ROGERS of Kentucky, Mr. HOEKSTRA, Mr. MCCOTTER, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the release or parole of certain unprivileged enemy belligerents into the United States, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Keep Terrorists at Bay
5 Act of 2010”.

6 **SEC. 2. TREATMENT OF CERTAIN UNPRIVILEGED ENEMY**
7 **BELLIGERENTS.**

8 (a) DENIAL OF ENTRY.—

1 (1) IN GENERAL.—In the case of an alien de-
2 scribed in paragraph (2), no court may order the
3 alien’s release into the United States and the Sec-
4 retary of State may not issue any visa, and the Sec-
5 retary of Homeland Security may not admit or pro-
6 vide any type of status, to the alien to enter into,
7 or be admitted to, the United States.

8 (2) ALIENS DESCRIBED.—An alien described in
9 this paragraph is an alien (as defined in section
10 101(a)(3) of the Immigration and Nationality Act (8
11 U.S.C. 1101(a)(3))—

12 (A) who—

13 (i) is an unprivileged enemy bellig-
14 erent (as defined in section 948a(7) of title
15 10, United States Code); or

16 (ii) has at any time been determined
17 by a Combatant Status Review Tribunal to
18 be an enemy combatant (pursuant to the
19 definition employed by that tribunal); and

20 (B) who is or was in the custody of the
21 United States at Guantanamo Bay, Cuba, be-
22 fore, on, or after the date of the enactment of
23 this Act.

24 (b) PAROLE.—

1 (1) IN GENERAL.—Section 212(d)(5) of the Im-
2 migration and Nationality Act (8 U.S.C.
3 1182(d)(5)) is amended by adding at the end the
4 following:

5 “(C) The Secretary of Homeland Security may not
6 parole into the United States an alien—

7 “(i) who—

8 “(I) is an unprivileged enemy belligerent
9 (as defined in section 948a(7) of title 10,
10 United States Code); or

11 “(II) has at any time been determined by
12 a Combatant Status Review Tribunal to be an
13 enemy combatant (pursuant to the definition
14 employed by that tribunal); and

15 “(ii) who is or was in the custody of the United
16 States at Guantanamo Bay, Cuba, before, on, or
17 after the date of the enactment of this subpara-
18 graph.”.

19 (2) TECHNICAL AND CONFORMING AMEND-
20 MENTS.—Section 212(d)(5) of the Immigration and
21 Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

22 (A) by striking “Attorney General” each
23 place such term appears and inserting “Sec-
24 retary of Homeland Security”;

1 (B) by striking “in his discretion” and in-
2 serting “in the Secretary’s discretion”;

3 (C) by striking “as he may prescribe” and
4 inserting “as the Secretary may prescribe”;

5 (D) by striking “he was paroled” and in-
6 serting “the alien was paroled”; and

7 (E) by striking “his case” and inserting
8 “the alien’s case”.

○