

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4738

To prohibit the use of Department of Defense military installations in the United States, its territories or possessions for the prosecution of individuals involved in the September 11, 2001, terrorist attacks.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2010

Mr. McKEON (for himself, Mr. WITTMAN, Mrs. McMORRIS RODGERS, Mr. BISHOP of Utah, Mr. SHUSTER, Mr. AKIN, Mr. FLEMING, Mr. HUNTER, Mr. LOBIONDO, Mr. COFFMAN of Colorado, Mr. TURNER, Mr. WILSON of South Carolina, Mr. PLATTS, Mr. ROONEY, Mr. CONAWAY, Mr. MILLER of Florida, Mr. FRANKS of Arizona, and Mr. KLINE of Minnesota) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To prohibit the use of Department of Defense military installations in the United States, its territories or possessions for the prosecution of individuals involved in the September 11, 2001, terrorist attacks.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROHIBITION ON THE USE OF DEPARTMENT**  
2 **OF DEFENSE INSTALLATIONS IN THE UNITED**  
3 **STATES, ITS TERRITORIES OR POSSESSIONS**  
4 **FOR THE PROSECUTION OF INDIVIDUALS IN-**  
5 **INVOLVED IN THE SEPTEMBER 11, 2001, TER-**  
6 **RORIST ATTACKS.**

7 (a) PROHIBITION.—None of the installations owned,  
8 operated, or under the effective control of the Department  
9 of Defense that are located in the United States, its terri-  
10 tories or possessions, may be used to commence or con-  
11 tinue the prosecution in an Article III court of the United  
12 States of an individual described in subsection (b) for any  
13 offense that may be prosecuted by military commission  
14 under chapter 47A of title 10, United States Code (as  
15 amended by the Military Commissions Act of 2009 (title  
16 XVIII of the National Defense Authorization Act for Fis-  
17 cal Year 2010 (Public Law 111–84))).

18 (b) COVERED INDIVIDUALS.—An individual described  
19 in this subsection is an individual suspected of planning,  
20 authorizing, organizing, committing, or aiding the attacks  
21 on the United States and its citizens that occurred on Sep-  
22 tember 11, 2001, who—

23 (1) is not a citizen of the United States; and

24 (2) is subject to jurisdiction under chapter 47A  
25 of title 10, United States Code (as so amended).

1           (c) ARTICLE III COURT OF THE UNITED STATES DE-  
2 FINED.—In this section, the term “Article III court of the  
3 United States” means a court of the United States estab-  
4 lished pursuant to Article III of the Constitution of the  
5 United States.

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