

111TH CONGRESS  
1ST SESSION

# S. 108

To prohibit the admission of an alien who was detained as an enemy combatant at Guantanamo Bay, Cuba unless the President determines that such admission is consistent with the national security of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prohibit the admission of an alien who was detained as an enemy combatant at Guantanamo Bay, Cuba unless the President determines that such admission is consistent with the national security of 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 “Protection from  
5 Enemy Combatants Act”.

1 **SEC. 2. LIMITATION ON ADMISSION OF ALIENS DETAINED**  
2 **AT GUANTANAMO BAY, CUBA.**

3 (a) COVERED ALIEN DEFINED.—In this section, the  
4 term “covered alien” means an alien who was detained  
5 as an enemy combatant by the United States at Guanta-  
6 namo Bay, Cuba.

7 (b) PROHIBITION ON ADMISSION BY A COURT.—Sub-  
8 ject to subsection (d), a court of the United States may  
9 not order the release or parole into the United States of  
10 a covered alien.

11 (c) PROHIBITION ON ADMISSION BY THE SECRETARY  
12 OF STATE OR THE SECRETARY HOMELAND SECURITY.—

13 (1) VISA.—Subject to subsection (d), the Sec-  
14 retary of State may not issue any visa to a covered  
15 alien that would permit the covered alien to enter,  
16 or be admitted to, the United States.

17 (2) IMMIGRATION STATUS.—Subject to sub-  
18 section (d), the Secretary of Homeland Security may  
19 not admit or provide any type of immigration status  
20 to a covered alien that would permit the covered  
21 alien to enter, or be admitted to, the United States.

22 (d) WAIVER.—The President, in the sole discretion  
23 of the President, may waive a restriction described in sub-  
24 section (b) or (c), in whole or in part, if the President

- 1 determines that the waiver of such restriction is consistent
- 2 with the national security of the United States.

