

112TH CONGRESS
1ST SESSION

S. 1046

To require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2011

Mr. INHOFE (for himself and Mr. BOOZMAN) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

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 “Guantanamo Bay De-
5 tention Facility Detention Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The United States is still in a global war
9 on terror and engaged in armed conflict with ter-
10 rorist organizations, and will continue to capture

1 terrorists who will need to be detained in a secure
2 facility.

3 (2) Since 2002, enemy combatants have been
4 captured by the United States and its allies and de-
5 tained in facilities at the Guantanamo Bay Deten-
6 tion Facility (GTMO) at United States Naval Sta-
7 tion, Guantanamo Bay, Cuba.

8 (3) The United States has detained almost 800
9 al-Qaeda and Taliban combatants at the Guanta-
10 namo Bay Detention Facility.

11 (4) More than 600 detainees have been tried,
12 transferred, or released from the Guantanamo Bay
13 Detention Facility to other countries.

14 (5) The last enemy combatant brought to the
15 Guantanamo Bay Detention Facility for detention
16 was brought in June 2008.

17 (6) The military detention facilities at the
18 Guantanamo Bay Detention Facility meet the high-
19 est international standards, and play a fundamental
20 part in protecting the lives of Americans from ter-
21 rorism.

22 (7) The Guantanamo Bay Detention Facility is
23 a state-of-the-art facility that provides humane
24 treatment for all detainees, is fully compliant with
25 the Geneva Convention, and provides treatment and

1 oversight that exceed any maximum-security prison
2 in the world, as attested to by human rights organi-
3 zations, the International Committee of the Red
4 Cross, Attorney General Holder, and an independent
5 commission led Admiral Walsh.

6 (8) The Guantanamo Bay Detention Facility is
7 a secure location away from population centers, pro-
8 vides maximum security required to prevent escape,
9 provides multiple levels of confinement opportunities
10 based on the compliance of detainees, and provides
11 medical care not available for a majority of the pop-
12 ulation of the world.

13 (9) The Expeditionary Legal Complex (ELC) at
14 the Guantanamo Bay Detention Facility is the only
15 one of its kind in the world. It provides a secure lo-
16 cation to secure and try detainees charged by the
17 United States Government, full access to sensitive
18 and classified information, full access to defense law-
19 yers and prosecution, and full media access by the
20 press.

21 (10) The Guantanamo Bay Detention Facility
22 is the single greatest repository of human intel-
23 ligence in the war on terror.

24 (11) The intelligence derived from the Guanta-
25 namo Bay Detention Facility has prevented terrorist

1 attacks and saved lives in the past and continues to
2 do so today.

3 (12) The intelligence obtained from questioning
4 detainees at the Guantanamo Bay Detention Facility
5 includes information on the following:

6 (A) The organizational structure of al-
7 Qaeda, the Taliban, and other terrorist groups.

8 (B) The extent of the presence of terrorists
9 in Europe, the United States, and the Middle
10 East, and elsewhere around the globe.

11 (C) The pursuit of weapons of mass de-
12 struction by al-Qaeda.

13 (D) The methods of recruitment by al-
14 Qaeda and the locations of its recruitment cen-
15 ters.

16 (E) The skills of terrorists, including gen-
17 eral and specialized operative training.

18 (F) The means by which legitimate finan-
19 cial activities are used to hide terrorist oper-
20 ations.

21 (13) Key intelligence used to find Osama bin
22 Laden was obtained at least in part through the use
23 of enhanced interrogation of detainees at the Guan-
24 tanamo Bay Detention Facility, with Leon Panetta,
25 Director of the Central Intelligence Agency, ac-

1 knowledging that “[c]learly some of it came from de-
2 tainees and the interrogation of detainees . . .” and
3 confirming that “they used these enhanced interro-
4 gation techniques against some of those detainees”.

5 **SEC. 3. REQUIREMENT FOR DETENTION AT UNITED STATES**

6 **NAVAL STATION, GUANTANAMO BAY, CUBA,**
7 **OF HIGH-VALUE DETAINEES WHO WILL BE**
8 **DETAINED LONG-TERM.**

9 (a) REQUIREMENT.—Each high-value enemy combat-
10 ant who is captured or otherwise taken into long-term cus-
11 tody or detention by the United States shall, while under
12 such detention of the United States, be detained at the
13 Guantanamo Bay Detention Facility (GTMO) at United
14 States Naval Station, Guantanamo Bay, Cuba.

15 (b) HIGH-VALUE ENEMY COMBATANT DEFINED.—
16 In this section, the term “high-value enemy combatant”
17 means an enemy combatant who—

18 (1) is a senior member of al-Qaeda, the
19 Taliban, or any associated terrorist group;

20 (2) has knowledge of an imminent terrorist
21 threat against the United States or its territories,
22 the Armed Forces of the United States, the people
23 or organizations of the United States, or an ally of
24 the United States;

1 (3) has, or has had, direct involvement in plan-
2 ning or preparing a terrorist action against the
3 United States or an ally of the United States or in
4 assisting the leadership of al-Qaeda, the Taliban, or
5 any associated terrorist group in planning or pre-
6 paring such a terrorist action; or

7 (4) if released from detention, would constitute
8 a clear and continuing threat to the United States
9 or any ally of the United States.

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