

AMENDMENT TO RULES COMMITTEE PRINT 115-

70

OFFERED BY MR. SCHIFF OF CALIFORNIA

At the end of subtitle D of title X, insert the following:

1 **SEC. ____ . AUTHORITY FOR ARTICLE III JUDGES TO TAKE**
2 **CERTAIN ACTIONS RELATING TO INDIVID-**
3 **UALS DETAINED AT UNITED STATES NAVAL**
4 **STATION, GUANTANAMO BAY, CUBA.**

5 (a) USE OF VIDEO TELECONFERENCING.—A judge
6 of a United States District Court shall have jurisdiction
7 to take any of the following actions by video teleconfer-
8 encing with respect to an individual detained at Guanta-
9 namo:

10 (1) Arraign the individual for a charge under
11 the laws of the United States.

12 (2) Accept a plea to a charge under the laws of
13 the United States.

14 (3) Enter a judgment of conviction and sen-
15 tence the individual for a charge upon which the in-
16 dividual is convicted as a result of such a plea.

1 An action specified in paragraph (1), (2), or (3) may be
2 taken by video teleconferencing only with the consent of
3 the individual.

4 (b) VENUE.—A judge of a United States District
5 Court may act by video teleconferencing under subsection
6 (a) only where such District Court maintains venue con-
7 cerning the offense alleged.

8 (c) TRANSFER TO SERVE SENTENCE OF IMPRISON-
9 MENT.—The Attorney General may transfer to a foreign
10 country an offender who is convicted of an offense by rea-
11 son of a plea entered into as described in subsection (a)
12 and who is under a sentence of imprisonment resulting
13 from such conviction. Any such transfer shall be made for
14 the purpose of the offender serving the sentence imposed
15 on him, and shall be made under chapter 306 of title 18,
16 United States Code, without regard to the provisions of
17 section 4107 and subsections (a) and (b) of section 4100
18 of that title.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “individual detained at Guanta-
21 namo” means any individual located at the United
22 States Naval Station, Guantanamo Bay, Cuba, as of
23 October 1, 2009, who—

24 (A) is not a national of the United States
25 (as defined in section 101(a)(22) of the Immi-

1 gration and Nationality Act (8 U.S.C.
2 1101(a)(22)) or a member of the Armed Forces
3 of the United States; and

4 (B) is—

5 (i) in the custody or under the control
6 of the Department of Defense; or

7 (ii) otherwise under detention at
8 United States Naval Station, Guantanamo
9 Bay.

10 (2) The terms “imprisonment”, “offender”,
11 “sentence”, and “transfer” have the meanings given
12 to those terms in section 4101 of title 18, United
13 States Code.

