

**MOTION TO RECOMMIT WITH INSTRUCTIONS**  
**OFFERED BY MR. KING OF NEW YORK**

Mr. King of New York moves to recommit the bill H.R. 2200 to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike section 405 of the bill and insert the following:

1 **SEC. 405. SECURING AVIATION FROM EXTREME TERRORIST**

2 **THREATS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) In 2001, Congress gave the Assistant Secretary, Transportation Security Administration, the  
5 task to “develop policies, strategies, and plans for  
6 dealing with threats to transportation security”. The  
7 individuals currently held at the Naval Station,  
8 Guantanamo Bay, Cuba, were detained during  
9 armed conflict and pose a serious and continuing  
10 threat to the transportation security interests of the  
11 United States and its allies.

12 (2) Terrorists, including Khalid Sheikh Moham-  
13 mad, the admitted mastermind of the September 11,  
14

1 2001 terrorist attacks, have clearly demonstrated  
2 their desire and intent to use airplanes as weapons  
3 to kill innocent Americans. The August 2006 liquid  
4 explosive plot to take down 10 commercial airliners  
5 over the United States is positive proof that air  
6 transportation continues to be a target.

7 (3) In light of al Qaeda's propensity to conduct  
8 aviation-related attacks and the fact that, according  
9 to the Department of Defense, at least 74 former  
10 Guantanamo Bay detainees once considered "non-  
11 threatening" are recidivists to terrorism, restrictions  
12 on the air travel of former detainees are necessary  
13 to protect the public from future attacks.

14 (4) Therefore, individuals who are or have been  
15 detained at Guantanamo should not be allowed to fly  
16 commercially in the United States and should be  
17 added to the Transportation Security Administra-  
18 tion's No Fly List, until the President certifies that  
19 each individual detainee poses no threat to the  
20 United States, its citizens, or its allies.

21 (b) PROHIBITION OF DETAINEE USE OF COMMER-  
22 CIAL AVIATION.—Section 44903(j)(2)(C) of title 49,  
23 United States Code, as amended by section 213 of the bill,  
24 is further amended by adding at the end the following:

1                   “(vi) INCLUSION OF DETAINEES ON  
2                   NO FLY LIST.—The Assistant Secretary, in  
3                   coordination with the Terrorist Screening  
4                   Center, shall include on the No Fly List  
5                   any individual who was a detainee held at  
6                   the Naval Station, Guantanamo Bay,  
7                   Cuba, unless the President certifies in  
8                   writing to Congress that the detainee poses  
9                   no threat to the United States, its citizens,  
10                  or its allies. For purposes of this clause,  
11                  the term ‘detainee’ means an individual in  
12                  the custody or under the physical control  
13                  of the United States as a result of armed  
14                  conflict.”.

