

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960**

OFFERED BY MR. SMITH OF WASHINGTON

Strike sections 1032, 1033, and 1034.

Page 399, line 9, strike “120 days” and insert “60 days”.

Page 402, lines 6 through 7, strike “90 days after the date of the enactment of this Act, the Secretary of Defense” and insert “30 days after the date of the enactment of this Act, the President”.

Page 402, lines 8 through 9, strike “of the Department of Defense”.

Page 402, line 10, after “principal responsibility” insert the following: “, in consultation with the Secretary of Defense, the Attorney General, and the intelligence community (under the meaning given such term section 3(4) of the National Security 18 Act of 1947 (50 U.S.C. 3003(4)),”.

Page 402, line 12, after “Cuba” insert the following: “, and the closure of the detention facility at such Naval Station”.

Page 402, line 14, after “transfers” insert the following: “and such closure”.

Page 403, line 5, strike “120 days” and insert “60 days”.

Page 403, line 20, strike “120 days” and insert “60 days”.

Page 404, line 24, strike “90 days” and insert “60 days”.

Page 405, after line 9, insert the following:

1 **SEC. 1040B. GUANTANAMO BAY DETENTION FACILITY CLO-**
2 **SURE ACT OF 2013.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Guantanamo Bay Detention Facility Closure Act of
5 2013”.

6 (b) **USE OF FUNDS.**—Notwithstanding any other pro-
7 vision of law, amounts authorized to be appropriated by
8 this Act or otherwise made available to the Department
9 of Defense may be used to—

10 (1) construct or modify any facility in the
11 United States, its territories, or possessions to house
12 any individual detained at Guantanamo for the pur-
13 poses of detention or imprisonment;

14 (2) transfer, release, or assist in the transfer or
15 release to or within the United States, its territories,

1 or possessions an individual detained at Guanta-
2 namo; or

3 (3) transfer an individual detained at Guanta-
4 namo to the custody or control of the individual's
5 country of origin, any other foreign country, or any
6 other foreign entity.

7 (c) NOTICE TO CONGRESS.—Not later than 30 days
8 before transferring any individual detained at Guanta-
9 namo to the United States, its territories, or possessions,
10 or to a foreign country or entity, the President shall sub-
11 mit to Congress a report about such individual that in-
12 cludes—

13 (1) notice of the proposed transfer; and

14 (2) the assessment of the Secretary of Defense
15 and the intelligence community (under the meaning
16 given such term section 3(4) of the National Secu-
17 rity 18 Act of 1947 (50 U.S.C. 3003(4)) of available
18 evidence relating to the threat posed by the indi-
19 vidual, any security concerns about the individual,
20 the likelihood that the individual will engage in re-
21 cidivism, and humanitarian concerns about the indi-
22 vidual, including—

23 (A) the likelihood the detainee will resume
24 terrorist activity if transferred or released;

1 (B) the likelihood the detainee will reestab-
2 lish ties with al-Qaeda, the Taliban, or associ-
3 ated forces that are engaged in hostilities
4 against the United States or its coalition part-
5 ners if transferred or released;

6 (C) the likelihood of family, tribal, or gov-
7 ernment rehabilitation or support for the de-
8 tainee if transferred or released;

9 (D) the likelihood the detainee may be sub-
10 ject to trial by military commission; and

11 (E) any law enforcement interest in the de-
12 tainee.

13 (d) PROHIBITION ON USE OF FUNDS.—No amounts
14 authorized to be appropriated or otherwise made available
15 to the Department of Defense may be used after Decem-
16 ber 31, 2014, for the detention facility or detention oper-
17 ations at United States Naval Station, Guantanamo Bay,
18 Cuba.

19 (e) PERIODIC REVIEW BOARDS.—The Secretary of
20 Defense shall ensure that each periodic review board es-
21 tablished pursuant to Executive Order No. 13567 or sec-
22 tion 1023 of the National Defense Authorization Act for
23 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1564;
24 10 U.S.C. 801 note) is completed by not later than 60
25 days after the date of the enactment of this Act.

1 (f) INDIVIDUAL DETAINED AT GUANTANAMO.—In
2 this section, the term “individual detained at Guanta-
3 namo” means any individual located at United States
4 Naval Station, Guantanamo Bay, Cuba, as of October 1,
5 2009, who—

6 (1) is not a citizen of the United States or a
7 member of the Armed Forces of the United States;
8 and

9 (2) is—

10 (A) in the custody or under the control of
11 the Department of Defense; or

12 (B) otherwise under detention at United
13 States Naval Station, Guantanamo Bay, Cuba.

In section 2901, strike subsections (a), (b), and (c).

Page 646, lines 11 and 12, strike “120 days” and
insert “60 days”.

Page 648, after line 5, insert the following:

14 (F) The estimated security costs associated
15 with trying such individuals in courts estab-
16 lished under Article III of the Constitution or
17 in military commissions conducted in the
18 United States, including the costs of military
19 personnel, civilian personnel, and contractors
20 associated with the prosecution at such location,

1 including any costs likely to be incurred by
2 other Federal departments or agencies, or State
3 or local governments.

4 (G) A plan developed by the Attorney Gen-
5 eral, in consultation with the Secretary of De-
6 fense, the Secretary of State, the Director of
7 National Intelligence, and the heads of other
8 relevant departments and agencies, identifying
9 a disposition, other than continued detention at
10 United States Naval Station, Guantanamo Bay,
11 Cuba, for each individual detained at such
12 Naval Station as of the date of the enactment
13 of this Act who is designated for prosecution.
14 Such a disposition may include transfer to the
15 United States for trial or detention pursuant to
16 the law of war, transfer to a foreign country for
17 prosecution, or release.

18 (H) A plan for the disposition of individ-
19 uals captured after the date of the enactment of
20 this Act and detained pursuant to the Author-
21 ization for Use of Military Force (Public Law
22 107–40; 50 U.S.C. 1541 note).

23 (3) BUDGET REQUEST.—Beginning with fiscal
24 year 2015, the President shall separately identify
25 the items described in clauses (i) through (v) of sub-

1 paragraph (E) of paragraph (2) in the budget re-
2 quest for the Department of Defense submitted to
3 Congress under section 1105 of title 31, United
4 States Code.

