

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 1735
OFFERED BY MR. SMITH OF WASHINGTON AND
MR. NADLER OF NEW YORK**

Strike sections 1036, 1037, 1038, and 1039, and insert the following:

1 **SEC. 1036. GUANTANAMO BAY DETENTION FACILITY CLO-**
2 **SURE ACT OF 2015.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Guantanamo Bay Detention Facility Closure Act of
5 2015”.

6 (b) **USE OF FUNDS.**—Notwithstanding any other pro-
7 vision of law, on or after the date that is 90 days after
8 the date on which the President submits a plan pursuant
9 to subsection (h), amounts authorized to be appropriated
10 by this Act or otherwise made available to the Department
11 of Defense may be used to—

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

1 (2) transfer, or assist in transferring, to or
2 within the United States, its territories, or posses-
3 sions any individual detained at Guantanamo.

4 (c) LIMITATION ON RELEASE.—An individual de-
5 tained at Guantanamo may not be released within the
6 United States, its territories, or possessions under the au-
7 thority in subsection (b). An individual detained at Guan-
8 tanamo who is transferred under the authority in sub-
9 section (b) may be subsequently released in accordance
10 with section 1035 of the National Defense Authorization
11 Act for Fiscal Year 2014 (Public Law 113–66; 128 Stat.
12 851).

13 (d) STATUS WHILE IN THE UNITED STATES.—An in-
14 dividual who is transferred under the authority in sub-
15 section (b), while in the United States—

16 (1) may not be permitted to apply for asylum
17 under section 208 of the Immigration and Nation-
18 ality Act (8 U.S.C. 1158), be placed in removal pro-
19 ceedings under section 240 of such Act (8 U.S.C.
20 1229a), or be eligible to apply for admission into the
21 United States; and

22 (2) may not be permitted to avail himself of
23 any right, privilege, or benefit of any law of the
24 United States beyond those available to any simi-
25 larly situated alien in the United States.

1 (e) NOTICE TO CONGRESS.—Not later than 30 days
2 before transferring any individual detained at Guanta-
3 namo to the United States, its territories, or possessions,
4 the President shall submit to Congress a report about such
5 individual that includes—

6 (1) notice of the proposed transfer; and

7 (2) the assessment of the Secretary of Defense
8 and the intelligence community (under the meaning
9 given such term section 3(4) of the National Secu-
10 rity 18 Act of 1947 (50 U.S.C. 3003(4)) of any
11 risks to public safety that could arise in connection
12 with the proposed transfer of the individual and a
13 description of any steps taken to address such risks.

14 (f) PROHIBITION ON USE OF FUNDS.—No amounts
15 authorized to be appropriated by this Act or otherwise
16 made available to the Department of Defense may be used
17 after December 31, 2017, for the detention facility or de-
18 tention operations at United States Naval Station, Guan-
19 tanamo Bay, Cuba.

20 (g) PERIODIC REVIEW BOARDS.—The Secretary of
21 Defense shall ensure that each periodic review board es-
22 tablished pursuant to Executive Order No. 13567 or sec-
23 tion 1023 of the National Defense Authorization Act for
24 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1564;10

1 U.S.C. 801 note) is completed by not later than 60 days
2 after the date of the enactment of this Act.

3 (h) PRESIDENTIAL PLAN.—Not later than 60 days
4 after the date of the enactment of this Act, the President
5 shall submit to the congressional defense committees a
6 plan describing each of the following:

7 (1) The locations to which the President seeks
8 to transfer individuals detained at Guantanamo who
9 have been identified for continued detention or pros-
10 ecution.

11 (2) The individuals detained at Guantanamo
12 whom the President seeks to transfer to overseas lo-
13 cations, the overseas locations to which the Presi-
14 dent seeks to transfer such individuals, and the con-
15 ditions under which the President would transfer
16 such individuals to such locations.

17 (3) The proposal of the President for the deten-
18 tion and treatment of individuals captured overseas
19 in the future who are suspected of being terrorists.

20 (4) For any location in the United States to
21 which the President seeks to transfer such an indi-
22 vidual or an individual detained at Guantanamo, es-
23 timates of each of the following costs:

1 (A) The costs of constructing infrastruc-
2 ture to support detention operations or prosecu-
3 tion at such location.

4 (B) The costs of facility repair,
5 sustainment, maintenance, and operation of all
6 infrastructure supporting detention operations
7 or prosecution at such location.

8 (C) The costs of military personnel, civilian
9 personnel, and contractors associated with the
10 detention operations or prosecution at such lo-
11 cation, including any costs likely to be incurred
12 by other Federal departments or agencies or
13 State or local governments.

14 (D) Any other costs associated with sup-
15 porting the detention operations or prosecution
16 at such location.

17 (5) The estimated security costs associated with
18 trying such individuals in courts established under
19 Article III of the Constitution or in military commis-
20 sions conducted in the United States, including the
21 costs of military personnel, civilian personnel, and
22 contractors associated with the prosecution at such
23 location, including any costs likely to be incurred by
24 other Federal departments or agencies, or State or
25 local governments.

1 (6) A plan developed by the Attorney General,
2 in consultation with the Secretary of Defense, the
3 Secretary of State, the Director of National Intel-
4 ligence, and the heads of other relevant departments
5 and agencies, identifying a disposition, other than
6 continued detention at United States Naval Station,
7 Guantanamo Bay, Cuba, for each individual de-
8 tained at Guantanamo as of the date of the enact-
9 ment of this Act, who is designated for continued
10 detention or prosecution. Such a disposition may in-
11 clude transfer to the United States for trial or de-
12 tention pursuant to the law of war, transfer to a for-
13 eign country, or release.

14 (i) INTERIM LIMITATION.—No amounts authorized
15 to be appropriated or otherwise made available to the De-
16 partment of Defense may be used during the period begin-
17 ning on the date of the enactment of this Act and ending
18 on the date that is 90 days after the President submits
19 a plan pursuant to subsection (h) to exercise the authority
20 in subsection (b).

21 (j) INDIVIDUAL DETAINED AT GUANTANAMO.—In
22 this section, the term “individual detained at Guanta-
23 namo” means any individual located at United States
24 Naval Station, Guantanamo Bay, Cuba, as of October 1,
25 2009, who—

1 (1) is not a citizen of the United States or a
2 member of the Armed Forces of the United States;
3 and

4 (2) is—

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

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

