AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. SMITH OF WASHINGTON, MR. MORAN OF VIRGINIA, AND MR. NADLER OF NEW YORK

Strike sections 1032 and 1033 and insert the following:

SEC. 1032. GUANTANAMO BAY DETENTION FACILITY CLOSURE ACT OF 2014.

(a) SHORT TITLE.—This section may be cited as the “Guantanamo Bay Detention Facility Closure Act of 2014”.

(b) USE OF FUNDS.—Notwithstanding any other provision of law, amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be used to—

(1) construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment; and

(2) transfer, or assist in the transfer, to or within the United States, its territories, or possessions of any individual detained at Guantanamo;
(c) NOTICE TO CONGRESS.—Not later than 30 days before transferring any individual detained at Guantánamo to the United States, its territories, or possessions, the President shall submit to Congress a report about such individual that includes—

(1) notice of the proposed transfer; and

(2) the assessment of the Secretary of Defense and the intelligence community (under the meaning given such term section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) of any risks to public safety that could arise in connection with the proposed transfer of the individual and a description of any steps taken to address such risks.

(d) PROHIBITION ON USE OF FUNDS.—No amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense may be used after December 31, 2016, for the detention facility or detention operations at United States Naval Station, Guantánamo Bay, Cuba.

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

(f) **Presidential Plan.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a plan describing each of the following:

1. The locations to which the President seeks to transfer individuals detained at Guantanamo who have been identified for continued detention or prosecution.

2. The individuals detained at Guantanamo whom the President seeks to transfer to overseas locations, the overseas locations to which the President seeks to transfer such individuals, and the conditions under which the President would transfer such individuals to such locations.

3. The proposal of the President for the detention and treatment of individuals captured overseas in the future who are suspected of being terrorists.

4. The proposal of the President regarding the disposition of the individuals detained at the detention facility at Parwan, Afghanistan, who have been identified as enduring security threats to the United States.
(5) For any location in the United States to which the President seeks to transfer such an individual or an individual detained at Guantanamo, estimates of each of the following costs:

(A) The costs of constructing infrastructure to support detention operations or prosecution at such location.

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

(C) The costs of military personnel, civilian personnel, and contractors associated with the detention operations or prosecution at such location, including any costs likely to be incurred by other Federal departments or agencies or State or local governments.

(D) Any other costs associated with supporting the detention operations or prosecution at such location.

(6) The estimated security costs associated with trying such individuals in courts established under Article III of the Constitution or in military commissions conducted in the United States, including the costs of military personnel, civilian personnel, and
contractors associated with the prosecution at such
location, including any costs likely to be incurred by
other Federal departments or agencies, or State or
local governments.

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

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

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

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

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

(h) FUNDING.—

(1) REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4601 for military construction, Army, as specified in the corresponding funding table in section 4601, for a high value detainee facility at Guantanamo Bay is hereby reduced by $69,000,000.

(2) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4601 for military construction, Defense-wide, as specified in the corresponding funding table in section 4601, for planning and design for the Missile Defense Agency is hereby increased by $20,000,000.

(3) REDUCTION OF GENERAL REDUCTIONS.—

Notwithstanding the amounts set forth in the funding tables in division D, the amount specified in section 4601 for General Reductions, as specified in the
corresponding funding table in section 4601, is hereby reduced by $49,000,000.

(4) REDUCTION IN AMOUNT FOR GUANTANAMO BAY.—In the item relating to Guantanamo Bay in the table in section 2101(b), strike “$92,800,000” and insert “$23,800,000”.

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