

**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:

1 **SEC. 1032. GUANTANAMO BAY DETENTION FACILITY CLO-**
2 **SURE ACT OF 2014.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Guantanamo Bay Detention Facility Closure Act of
5 2014”.

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; and

14 (2) transfer, or assist in the transfer, to or
15 within the United States, its territories, or posses-
16 sions of any individual detained at Guantanamo;

1 (c) 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 (d) 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, 2016, for the detention facility or de-
18 tention operations at United States Naval Station, Guan-
19 tanamo Bay, Cuba.

20 (e) 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 (f) 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) The proposal of the President regarding the
21 disposition of the individuals detained at the deten-
22 tion facility at Parwan, Afghanistan, who have been
23 identified as enduring security threats to the United
24 States.

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

5 (A) The costs of constructing infrastruc-
6 ture to support detention operations or prosecu-
7 tion at such location.

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

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

18 (D) Any other costs associated with sup-
19 porting the detention operations or prosecution
20 at such location.

21 (6) The estimated security costs associated with
22 trying such individuals in courts established under
23 Article III of the Constitution or in military commis-
24 sions conducted in the United States, including the
25 costs of military personnel, civilian personnel, and

1 contractors associated with the prosecution at such
2 location, including any costs likely to be incurred by
3 other Federal departments or agencies, or State or
4 local governments.

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

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

23 (1) is not a citizen of the United States or a
24 member of the Armed Forces of the United States;
25 and

1 (2) is—

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

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

6 (h) FUNDING.—

7 (1) REDUCTION.—Notwithstanding the
8 amounts set forth in the funding tables in division
9 D, the amount authorized to be appropriated in sec-
10 tion 4601 for military construction, Army, as speci-
11 fied in the corresponding funding table in section
12 4601, for a high value detainee facility at Guanta-
13 namo Bay is hereby reduced by \$69,000,000.

14 (2) INCREASE.—Notwithstanding the amounts
15 set forth in the funding tables in division D, the
16 amount authorized to be appropriated in section
17 4601 for military construction, Defense-wide, as
18 specified in the corresponding funding table in sec-
19 tion 4601, for planning and design for the Missile
20 Defense Agency is hereby increased by \$20,000,000.

21 (3) REDUCTION OF GENERAL REDUCTIONS.—
22 Notwithstanding the amounts set forth in the fund-
23 ing tables in division D, the amount specified in sec-
24 tion 4601 for General Reductions, as specified in the

1 corresponding funding table in section 4601, is here-
2 by reduced by \$49,000,000.

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

