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 CLOSURE ACT OF 2015.

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

(b) USE OF FUNDS.—Notwithstanding any other provision of law, on or after the date that is 90 days after the date on which the President submits a plan pursuant to subsection (h), 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 transferring, to or within the United States, its territories, or possessions any individual detained at Guantanamo.

(e) LIMITATION ON RELEASE.—An individual detained at Guantanamo may not be released within the United States, its territories, or possessions under the authority in subsection (b). An individual detained at Guantanamo who is transferred under the authority in subsection (b) may be subsequently released in accordance with section 1035 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 128 Stat. 851).

(d) STATUS WHILE IN THE UNITED STATES.—An individual who is transferred under the authority in subsection (b), while in the United States—

(1) may not be permitted to apply for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), be placed in removal proceedings under section 240 of such Act (8 U.S.C. 1229a), or be eligible to apply for admission into the United States; and

(2) may not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to any similarly situated alien in the United States.
(e) 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 18 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.

(f) 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, 2017, for the detention facility or detention operations at United States Naval Station, Guantánamo Bay, Cuba.

(g) 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
(h) **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.

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. 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.

(5) The estimated security costs associated with trying such individuals 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.

(6) A plan developed by the Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, 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 detained at Guantanamo as of the date of the enactment of this Act.

(i) INTERIM LIMITATION.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on the date that is 90 days after the President submits a plan pursuant to subsection (h) to exercise the authority in subsection (b).

(j) INDIVIDUAL DETAINED AT GUANTANAMO.—In this section, the term “individual detained at Guantanamo” 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;

and

(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.