

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MR. SMITH OF WASHINGTON, MR.
MORAN OF VIRGINIA, AND MR. NADLER OF
NEW YORK**

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 fol-
lowing: “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

1 any individual detained at Guantanamo for the pur-
2 poses of detention or imprisonment;

3 (2) transfer, release, or assist in the transfer or
4 release to or within the United States, its territories,
5 or possessions an individual detained at Guanta-
6 namo; or

7 (3) transfer an individual detained at Guanta-
8 namo to the custody or control of the individual's
9 country of origin, any other foreign country, or any
10 other foreign entity.

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

17 (1) notice of the proposed transfer; and

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

1 cidivism, and humanitarian concerns about the indi-
2 vidual, including—

3 (A) the likelihood the detainee will resume
4 terrorist activity if transferred or released;

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

10 (C) the likelihood of family, tribal, or gov-
11 ernment rehabilitation or support for the de-
12 tainee if transferred or released;

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

15 (E) any law enforcement interest in the de-
16 tainee.

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

23 (e) PERIODIC REVIEW BOARDS.—The Secretary of
24 Defense shall ensure that each periodic review board es-
25 tablished pursuant to Executive Order No. 13567 or sec-

1 tion 1023 of the National Defense Authorization Act for
2 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1564;
3 10 U.S.C. 801 note) is completed by not later than 60
4 days after the date of the enactment of this Act.

5 (f) INDIVIDUAL DETAINED AT GUANTANAMO.—In
6 this section, the term “individual detained at Guanta-
7 namo” means any individual located at United States
8 Naval Station, Guantanamo Bay, Cuba, as of October 1,
9 2009, who—

10 (1) is not a citizen of the United States or a
11 member of the Armed Forces of the United States;
12 and

13 (2) is—

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

16 (B) otherwise under detention at United
17 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:

18 (F) The estimated security costs associated
19 with trying such individuals in courts estab-
20 lished under Article III of the Constitution or

1 in military commissions conducted in the
2 United States, including the costs of military
3 personnel, civilian personnel, and contractors
4 associated with the prosecution at such location,
5 including any costs likely to be incurred by
6 other Federal departments or agencies, or State
7 or local governments.

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

