

114TH CONGRESS
1ST SESSION

H. R. 4126

To clarify that any action by the President in contravention of the restriction on transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, is without legal effect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2015

Mr. YOHO (for himself, Mr. MEADOWS, Mr. ZINKE, Mr. BROOKS of Alabama, Mrs. McMORRIS RODGERS, Mr. DUNCAN of South Carolina, and Mr. MILLER of Florida) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To clarify that any action by the President in contravention of the restriction on transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, is without legal effect, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guantanamo Transfer
5 Prevention Act”.

1 **SEC. 2. ABSENCE OF LEGAL EFFECT OF PRESIDENTIAL AC-**
2 **TION IN CONTRAVENTION OF RESTRICTION**
3 **ON TRANSFER OR RELEASE OF INDIVIDUALS**
4 **DETAINED AT UNITED STATES NAVAL STA-**
5 **TION, GUANTANAMO BAY, CUBA.**

6 (a) PROHIBITION ON TRANSFERS.—Pursuant to sec-
7 tion 1034 of the National Defense Authorization Act for
8 Fiscal Year 2014 (Public Law 113–66; 127 Stat. 851),
9 as amended by section 1033 of the Carl Levin and Howard
10 P. “Buck” McKeon National Defense Authorization Act
11 for Fiscal Year 2015 (Public Law 113–291; 128 Stat.
12 3492), the President is prohibited from using amounts au-
13 thorized to be appropriated or otherwise made available
14 to the Department of Defense to transfer, release, or as-
15 sist in the transfer or release to or within the United
16 States, its territories, or possessions of Khalid Sheikh Mo-
17 hammed or any other detainee who—

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

20 (2) is or was held on or after January 20,
21 2009, at United States Naval Station, Guantanamo
22 Bay, Cuba, by the Department of Defense.

23 (b) TREATMENT OF EXECUTIVE ACTION.—Any ac-
24 tion by the President in contravention of such section
25 1034, as so amended, is without legal effect.

1 **SEC. 3. PROHIBITION ON USE OF FUNDS FOR REALIGN-**
2 **MENT OF FORCES AT OR CLOSURE OF**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA.**

5 No amounts authorized to be appropriated or other-
6 wise made available for the Department of Defense for
7 fiscal year 2016 may be used—

8 (1) to close or abandon United States Naval
9 Station, Guantanamo Bay, Cuba;

10 (2) to relinquish control of Guantanamo Bay to
11 the Republic of Cuba; or

12 (3) to implement a material modification to the
13 Treaty Between the United States of America and
14 Cuba signed at Washington, DC, on May 29, 1934,
15 that constructively closes United States Naval Sta-
16 tion, Guantanamo Bay.

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