

## Calendar No. 20

114TH CONGRESS  
1ST SESSION**S. 165**

To extend and enhance prohibitions and limitations with respect to the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2015

Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. BURR, Mr. MCCAIN, Mr. BARRASSO, Mr. KIRK, Mrs. FISCHER, Mr. MORAN, Mr. ROBERTS, Mr. INHOFE, Mr. JOHNSON, Mr. CRUZ, Mr. BLUNT, Mr. TOOMEY, Mr. SESSIONS, Mr. HATCH, Mrs. ERNST, Mr. TILLIS, Mr. ISAKSON, Mr. WICKER, Mr. LANKFORD, Mr. CORNYN, Mr. COTTON, Mr. LEE, Mr. ROUNDS, Mr. SULLIVAN, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

FEBRUARY 23, 2015

Reported by Mr. MCCAIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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**A BILL**

To extend and enhance prohibitions and limitations with respect to the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Detaining Terrorists  
3 to Protect America Act of 2015”.

4 **SEC. 2. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**  
5 **OR MODIFY FACILITIES IN THE UNITED**  
6 **STATES TO HOUSE DETAINEES TRANS-**  
7 **FERRED FROM UNITED STATES NAVAL STA-**  
8 **TION, GUANTANAMO BAY, CUBA.**

9 (a) **PROHIBITION.**—No amounts appropriated or oth-  
10 erwise available for any department or agency of the  
11 United States Government may be used, during the period  
12 beginning on the date of the enactment of this Act and  
13 ending on the date that is two years after the date of the  
14 enactment of this Act, to construct or modify any facility  
15 in the United States, its territories, or possessions to  
16 house an individual detained at Guantanamo for the pur-  
17 pose of detention or imprisonment in the custody or con-  
18 trol of the United States Government unless authorized  
19 by Congress.

20 (b) **EXCEPTION.**—The prohibition in subsection (a)  
21 shall not apply to any modification of facilities at United  
22 States Naval Station, Guantanamo Bay, Cuba.

23 (c) **INDIVIDUAL DETAINED AT GUANTANAMO DE-**  
24 **FINED.**—In this section, the term “individual detained at  
25 Guantanamo” means any individual located at United

1 States Naval Station, Guantanamo Bay, Cuba, as of Octo-  
 2 ber 1, 2009, who—

3           ~~(1)~~ is not a citizen of the United States or a  
 4           member of the Armed Forces of the United States;  
 5           and

6           ~~(2)~~ is—

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

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

11           ~~(d) REPEAL OF SUPERSEDED PROHIBITION.—~~Sec-  
 12           tion ~~1033~~ of the National Defense Authorization Act for  
 13           Fiscal Year 2014 (Public Law ~~113–66~~; 127 Stat. 850),  
 14           as amended by section ~~1032~~ of the Carl Levin and Howard  
 15           P. “Buck” McKeon National Defense Authorization Act  
 16           for Fiscal Year 2015 (Public Law ~~113–291~~), is repealed.

17           **SEC. 3. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR**  
 18                   **RELEASE TO THE UNITED STATES OF INDIV-**  
 19                   **IDUALS DETAINED AT UNITED STATES**  
 20                   **NAVAL STATION, GUANTANAMO BAY, CUBA.**

21           ~~(a) PROHIBITION.—~~No amounts appropriated or oth-  
 22           erwise available for any department or agency of the  
 23           United States Government may be used, during the period  
 24           beginning on the date of the enactment of this Act and  
 25           ending on the date that is two years after the date of the

1 enactment of this Act, to transfer, release, or assist in the  
 2 transfer or release to or within the United States, its terri-  
 3 tories, or possessions of Khalid Sheikh Mohammed or any  
 4 other detainee who—

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

7 (2) was held on January 20, 2009, at United  
 8 States Naval Station, Guantanamo Bay, Cuba, by  
 9 the Department of Defense.

10 (b) REPEAL OF SUPERSEDED PROHIBITION.—Sec-  
 11 tion 1034 of the National Defense Authorization Act for  
 12 Fiscal Year 2014 (Public Law 113–66; 127 Stat. 851),  
 13 as amended by section 1033 of the Carl Levin and Howard  
 14 P. “Buck” McKeon National Defense Authorization Act  
 15 for Fiscal Year 2015 (Public Law 113–291), is repealed.

16 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR**  
 17 **RELEASE ABROAD OF INDIVIDUALS DE-**  
 18 **TAINED AT UNITED STATES NAVAL STATION,**  
 19 **GUANTANAMO BAY, CUBA, DETERMINED OR**  
 20 **ASSESSED TO BE HIGH-RISK OR MEDIUM-**  
 21 **RISK THREATS.**

22 (a) PROHIBITION.—

23 (1) IN GENERAL.—Notwithstanding any other  
 24 provision of law, no amounts appropriated or other-  
 25 wise available for any department or agency of the

1 United States Government may be used, during the  
2 period beginning on the date of the enactment of  
3 this Act and ending on the date that is two years  
4 after the date of the enactment of this Act, to trans-  
5 fer, release, or assist in the transfer or release of  
6 any individual described in paragraph (2) to the cus-  
7 tody or control of the individual's country of origin,  
8 any other foreign country, or any other foreign enti-  
9 ty.

10 (2) COVERED INDIVIDUALS.—An individual de-  
11 scribed in this paragraph is any individual detained  
12 in the custody or under the control of the Depart-  
13 ment of Defense at United States Naval Station,  
14 Guantanamo Bay, Cuba, who is currently or ever  
15 has been determined or assessed by Joint Task  
16 Force Guantanamo to be a high-risk or medium-risk  
17 threat to the United States, its interests, or its al-  
18 lies.

19 (b) EXCEPTION.—Subsection (a) shall not apply to  
20 any action taken by the head of a department or agency  
21 of the United States Government to transfer, release, or  
22 assist in the transfer or release of any individual described  
23 in that subsection to effectuate an order affecting the dis-  
24 position of the individual that is issued by a court or com-  
25 petent tribunal of the United States having lawful jurisdic-

tion (which the Secretary shall notify the appropriate committees of Congress promptly after issuance).

(c) ~~APPROPRIATE COMMITTEES OF CONGRESS DEFINED.~~—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 5. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR  
RELEASE TO YEMEN OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION,  
GUANTANAMO BAY, CUBA.**

Notwithstanding any other provision of law, no amounts appropriated or otherwise available for any department or agency of the United States Government may be used, during the period beginning on the date of the enactment of this Act and ending on the date that is two years after the date of the enactment of this Act, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station,

1 Guantanamo Bay, Cuba, to the custody or control of the  
 2 Republic of Yemen or any entity within Yemen.

3 **SEC. 6. REENACTMENT AND MODIFICATION OF CERTAIN**  
 4 **PRIOR REQUIREMENTS FOR CERTIFICATIONS**  
 5 **RELATING TO TRANSFER OF DETAINEES AT**  
 6 **UNITED STATES NAVAL STATION, GUANTA-**  
 7 **NAMO BAY, CUBA, TO FOREIGN COUNTRIES**  
 8 **AND OTHER FOREIGN ENTITIES.**

9 (a) CERTIFICATION REQUIRED PRIOR TO TRANS-  
 10 FER.—

11 (1) IN GENERAL.—Except as provided in para-  
 12 graph (3) and subsection (d), the Secretary of De-  
 13 fense may not use any amounts authorized to be ap-  
 14 propriated or otherwise available to the Department  
 15 of Defense to transfer any individual detained at  
 16 Guantanamo to the custody or control of the individ-  
 17 ual's country of origin, any other foreign country, or  
 18 any other foreign entity unless the Secretary sub-  
 19 mits to the appropriate committees of Congress the  
 20 certification described in subsection (b) not later  
 21 than 30 days before the transfer of the individual.

22 (2) SCOPE OF REQUIREMENT.—The require-  
 23 ment in paragraph (1) applies to any authorized  
 24 transfer or release of an individual described in that  
 25 paragraph after the date of the enactment of this

1 Act, including a transfer or release of such an indi-  
 2 vidual who is also described in paragraph (2) of sec-  
 3 tion 4(a) after the prohibition in section 4(a) ceases  
 4 to be in effect.

5 (3) EXCEPTION.—Paragraph (1) shall not  
 6 apply to any action taken by the Secretary to trans-  
 7 fer any individual detained at Guantanamo to effec-  
 8 tuate an order affecting the disposition of the indi-  
 9 vidual that is issued by a court or competent tri-  
 10 bunal of the United States having lawful jurisdiction  
 11 (which the Secretary shall notify the appropriate  
 12 committees of Congress of promptly after issuance).

13 (b) CERTIFICATION.—A certification described in this  
 14 subsection is a written certification made by the Secretary  
 15 of Defense, with the concurrence of the Secretary of State  
 16 and in consultation with the Director of National Intel-  
 17 ligence, that—

18 (1) the government of the foreign country or  
 19 the recognized leadership of the foreign entity to  
 20 which the individual detained at Guantanamo is to  
 21 be transferred—

22 (A) is not a designated state sponsor of  
 23 terrorism or a designated foreign terrorist orga-  
 24 nization;

1           (B) maintains control over each detention  
2           facility in which the individual is to be detained  
3           if the individual is to be housed in a detention  
4           facility;

5           (C) is not, as of the date of the certification,  
6           facing a threat that is likely to substantially  
7           affect its ability to exercise control over  
8           the individual;

9           (D) has taken or agreed to take effective  
10          actions to ensure that the individual cannot  
11          take action to threaten the United States, its  
12          citizens, or its allies in the future;

13          (E) has taken or agreed to take such actions  
14          as the Secretary of Defense determines  
15          are necessary to ensure that the individual cannot  
16          engage or reengage in any terrorist activity;  
17          and

18          (F) has agreed to share with the United  
19          States any information that—

20               (i) is related to the individual or any  
21               associates of the individual; and

22               (ii) could affect the security of the  
23               United States, its citizens, or its allies; and

24          (2) includes an assessment, in classified or un-  
25          classified form, of the capacity, willingness, and past

1 practices (if applicable) of the foreign country or en-  
2 tity in relation to the Secretary's certifications.

3 ~~(c) PROHIBITION IN CASES OF PRIOR CONFIRMED~~  
4 ~~RECIDIVISM.—~~

5 (1) PROHIBITION.—Except as provided in para-  
6 graph (2) and subsection (d), the Secretary of De-  
7 fense may not use any amounts authorized to be ap-  
8 propriated or otherwise made available to the De-  
9 partment of Defense to transfer any individual de-  
10 tained at Guantanamo to the custody or control of  
11 the individual's country of origin, any other foreign  
12 country, or any other foreign entity if there is a con-  
13 firmed case of any individual who was detained at  
14 United States Naval Station, Guantanamo Bay,  
15 Cuba, at any time after September 11, 2001, who  
16 was transferred to such foreign country or entity  
17 and subsequently engaged in any terrorist activity.

18 ~~(2) EXCEPTION.—~~Subject to subsection (c),  
19 paragraph (1) shall not apply to any action taken by  
20 the Secretary to transfer any individual detained at  
21 Guantanamo to effectuate an order affecting the dis-  
22 position of the individual that is issued by a court  
23 or competent tribunal of the United States having  
24 lawful jurisdiction (which the Secretary shall notify

1 the appropriate committees of Congress of promptly  
2 after issuance).

3 ~~(d) NATIONAL SECURITY WAIVER.—~~

4 ~~(1) IN GENERAL.—~~Subject to subsection (e),  
5 the Secretary of Defense may waive the applicability  
6 to a detainee transfer of a certification requirement  
7 specified in subparagraph ~~(D)~~ or ~~(E)~~ of subsection  
8 ~~(b)(1)~~ or the prohibition in subsection (e), if the  
9 Secretary certifies the rest of the criteria required by  
10 subsection (b) for transfers prohibited by subsection  
11 (e) and, with the concurrence of the Secretary of  
12 State and in consultation with the Director of Na-  
13 tional Intelligence, determines that—

14 ~~(A)~~ alternative actions will be taken to ad-  
15 dress the underlying purpose of the requirement  
16 or requirements to be waived;

17 ~~(B)~~ in the case of a waiver of subpara-  
18 graph ~~(D)~~ or ~~(E)~~ of subsection ~~(b)(1)~~, it is not  
19 possible to certify that the risks addressed in  
20 the paragraph to be waived have been com-  
21 pletely eliminated, but the actions to be taken  
22 under subparagraph ~~(A)~~ will substantially miti-  
23 gate such risks with regard to the individual to  
24 be transferred;

1           ~~(C)~~ in the case of a waiver of subsection  
 2           ~~(e)~~, the Secretary has considered any confirmed  
 3           case in which an individual who was transferred  
 4           to the country subsequently engaged in terrorist  
 5           activity, and the actions to be taken under sub-  
 6           paragraph ~~(A)~~ will substantially mitigate the  
 7           risk of recidivism with regard to the individual  
 8           to be transferred; and

9           ~~(D)~~ the transfer is in the national security  
 10          interests of the United States.

11          ~~(2)~~ REPORTS.—Whenever the Secretary makes  
 12          a determination under paragraph ~~(1)~~, the Secretary  
 13          shall submit to the appropriate committees of Con-  
 14          gress, not later than 30 days before the transfer of  
 15          the individual concerned, the following:

16                 ~~(A)~~ A copy of the determination and the  
 17                 waiver concerned.

18                 ~~(B)~~ A statement of the basis for the deter-  
 19                 mination, including—

20                         (i) an explanation why the transfer is  
 21                         in the national security interests of the  
 22                         United States;

23                         (ii) in the case of a waiver of para-  
 24                         graph ~~(D)~~ or ~~(E)~~ of subsection ~~(b)(1)~~, an  
 25                         explanation why it is not possible to certify

1 that the risks addressed in the paragraph  
 2 to be waived have been completely elimi-  
 3 nated; and

4 (iii) a classified summary of—

5 (I) the individual's record of co-  
 6 operation while in the custody of or  
 7 under the effective control of the De-  
 8 partment of Defense; and

9 (II) the agreements and mecha-  
 10 nisms in place to provide for con-  
 11 tinuing cooperation.

12 (C) A summary of the alternative actions  
 13 to be taken to address the underlying purpose  
 14 of, and to mitigate the risks addressed in, the  
 15 paragraph or subsection to be waived.

16 (D) The assessment required by subsection  
 17 (b)(2).

18 (c) COORDINATION WITH PROHIBITION ON TRANS-  
 19 FER TO YEMEN.—While the prohibition in section 5 is in  
 20 effect, the exception in subsection (c)(2) and the waiver  
 21 authority in subsection (d) shall not apply to authorize  
 22 the transfer of an individual detained at Guantanamo to  
 23 Yemen.

24 (f) RECORD OF COOPERATION.—In assessing the risk  
 25 that an individual detained at Guantanamo will engage in

1 terrorist activity or other actions that could affect the se-  
 2 curity of the United States if released for the purpose of  
 3 making a certification under subsection (b) or a waiver  
 4 under subsection (d); the Secretary of Defense may give  
 5 favorable consideration to any such individual—

6           (1) who has substantially cooperated with  
 7 United States intelligence and law enforcement au-  
 8 thorities, pursuant to a pre-trial agreement, while in  
 9 the custody of or under the effective control of the  
 10 Department of Defense; and

11           (2) for whom agreements and effective mecha-  
 12 nisms are in place, to the extent relevant and nec-  
 13 essary, to provide for continued cooperation with  
 14 United States intelligence and law enforcement au-  
 15 thorities.

16 (g) DEFINITIONS.—In this section:

17           (1) The term “appropriate committees of Con-  
 18 gress” means—

19                   (A) the Committee on Armed Services; the  
 20 Committee on Appropriations; and the Select  
 21 Committee on Intelligence of the Senate; and

22                   (B) the Committee on Armed Services; the  
 23 Committee on Appropriations; and the Perma-  
 24 nent Select Committee on Intelligence of the  
 25 House of Representatives.

1           (2) The term “individual detained at Guanta-  
 2           namo” means any individual located at United  
 3           States Naval Station, Guantanamo Bay, Cuba, as of  
 4           October 1, 2009, who—

5                   (A) is not a citizen of the United States or  
 6                   a member of the Armed Forces of the United  
 7                   States; and

8                   (B) is—

9                           (i) in the custody or under the control  
 10                           of the Department of Defense; or

11                           (ii) otherwise under detention at  
 12                           United States Naval Station, Guantanamo  
 13                           Bay, Cuba.

14           (3) The term “foreign terrorist organization”  
 15           means any organization so designated by the Sec-  
 16           retary of State under section 219 of the Immigra-  
 17           tion and Nationality Act (8 U.S.C. 1189).

18           (h) REPEAL OF SUPERSEDED REQUIREMENTS AND  
 19           LIMITATIONS.—Section 1035 of the National Defense Au-  
 20           thorization Act for Fiscal Year 2014 (Public Law 113–  
 21           66; 127 Stat. 851; 10 U.S.C. 801 note) is repealed.

1 **SEC. 7. REPORT ON CURRENT DETAINEES AT UNITED**  
2 **STATES NAVAL STATION, GUANTANAMO BAY,**  
3 **CUBA, DETERMINED OR ASSESSED TO BE**  
4 **HIGH-RISK OR MEDIUM RISK.**

5 (a) **REPORT REQUIRED.**—Not later than 60 days  
6 after the date of the enactment of this Act, the Secretary  
7 of Defense shall submit to the appropriate committees of  
8 Congress a report, in unclassified form, setting forth a list  
9 of the individuals detained at Guantanamo as of the date  
10 of the enactment of this Act who have been determined  
11 or assessed by Joint Task Force Guantanamo, at any time  
12 before the date of the report, to be a high-risk or medium-  
13 risk threat to the United States, its interests, or its allies.

14 (b) **ELEMENTS.**—The report under subsection (a)  
15 shall set forth, for each individual covered by the report,  
16 the following:

17 (1) The name and country of origin.

18 (2) The date on which first designated or as-  
19 sessed as a high-risk or medium-risk threat to the  
20 United States, its interests, or its allies.

21 (3) Whether, as of the date of the report, cur-  
22 rently designated or assessed as a high-risk or me-  
23 dium-risk threat to the United States, its interests,  
24 or its allies.

25 (4) If the designation or assessment changed  
26 between the date specified pursuant to paragraph

(2) and the date of the report, the year and month in which the designation or assessment changed and the designation or assessment to which changed.

(5) To the extent practicable, without jeopardizing intelligence sources and methods—

(A) prior actions in support of terrorism, hostile actions against the United States or its allies, gross violations of human rights, and other violations of international law; and

(B) any affiliations with al Qaeda, al Qaeda affiliates, or other terrorist groups.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

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

(B) is—

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

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Detaining Terrorists  
to Protect America Act of 2015”.*

**SEC. 2. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR  
MODIFY FACILITIES IN THE UNITED STATES  
TO HOUSE DETAINEES TRANSFERRED FROM  
UNITED STATES NAVAL STATION, GUANTA-  
NAMO BAY, CUBA.**

*(a) PROHIBITION.—No amounts appropriated or oth-  
erwise available for any department or agency of the United  
States Government may be used, during the period begin-  
ning on the date of the enactment of this Act and ending  
on the date that is two years after the date of the enactment  
of this Act, to construct or modify any facility in the United  
States, its territories, or possessions to house an individual  
detained at Guantanamo for the purpose of detention or*

1 *imprisonment in the custody or control of the United States*  
2 *Government unless authorized by Congress.*

3 (b) *EXCEPTION.—The prohibition in subsection (a)*  
4 *shall not apply to any modification of facilities at United*  
5 *States Naval Station, Guantanamo Bay, Cuba.*

6 (c) *INDIVIDUAL DETAINED AT GUANTANAMO DE-*  
7 *FINED.—In this section, the term “individual detained at*  
8 *Guantanamo” means any individual located at United*  
9 *States Naval Station, Guantanamo Bay, Cuba, as of Octo-*  
10 *ber 1, 2009, who—*

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

18 (d) *REPEAL OF SUPERSEDED PROHIBITION.—Section*  
19 *1033 of the National Defense Authorization Act for Fiscal*  
20 *Year 2014 (Public Law 113–66; 127 Stat. 850), as amended*  
21 *by section 1032 of the Carl Levin and Howard P. “Buck”*  
22 *McKeon National Defense Authorization Act for Fiscal Year*  
23 *2015 (Public Law 113–291), is repealed.*

1 **SEC. 3. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR**  
 2 **RELEASE TO THE UNITED STATES OF INDI-**  
 3 **VIDUALS DETAINED AT UNITED STATES**  
 4 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

5 (a) *PROHIBITION.*—No amounts appropriated or oth-  
 6 erwise available for any department or agency of the United  
 7 States Government may be used, during the period begin-  
 8 ning on the date of the enactment of this Act and ending  
 9 on the date that is two years after the date of the enactment  
 10 of this Act, to transfer, release, or assist in the transfer or  
 11 release to or within the United States, its territories, or pos-  
 12 sessions of Khalid Sheikh Mohammed or any other detainee  
 13 who—

14 (1) *is not a United States citizen or a member*  
 15 *of the Armed Forces of the United States; and*

16 (2) *was held on January 20, 2009, at United*  
 17 *States Naval Station, Guantanamo Bay, Cuba, by the*  
 18 *Department of Defense.*

19 (b) *REPEAL OF SUPERSEDED PROHIBITION.*—Section  
 20 1034 of the National Defense Authorization Act for Fiscal  
 21 Year 2014 (Public Law 113–66; 127 Stat. 851), as amended  
 22 by section 1033 of the Carl Levin and Howard P. “Buck”  
 23 McKeon National Defense Authorization Act for Fiscal Year  
 24 2015 (Public Law 113–291), is repealed.

1 **SEC. 4. AUTHORITY TO TEMPORARILY TRANSFER INDIVID-**  
2 **UALS DETAINED AT UNITED STATES NAVAL**  
3 **STATION, GUANTANAMO BAY, CUBA, TO THE**  
4 **UNITED STATES FOR EMERGENCY OR CRIT-**  
5 **ICAL MEDICAL TREATMENT.**

6 (a) *TRANSFER FOR EMERGENCY OR CRITICAL MED-*  
7 *ICAL TREATMENT AUTHORIZED.*—Notwithstanding any  
8 other provision of this Act, or any other provision of law  
9 enacted after September 30, 2013, but subject to subsection  
10 (b), the Secretary of Defense may temporarily transfer any  
11 individual detained at Guantanamo to a Department of  
12 Defense medical facility in the United States for the sole  
13 purpose of providing the individual medical treatment if  
14 the Secretary determines that—

15 (1) *the Senior Medical Officer, Joint Task*  
16 *Force—Guantanamo Bay, Cuba, has determined that*  
17 *the medical treatment is necessary to prevent death or*  
18 *imminent significant injury or harm to the health of*  
19 *the individual;*

20 (2) *based on the recommendation of the Senior*  
21 *Medical Officer, Joint Task Force—Guantanamo Bay,*  
22 *Cuba, the medical treatment is not available to be*  
23 *provided at United States Naval Station, Guanta-*  
24 *namo Bay, Cuba, without incurring excessive and un-*  
25 *reasonable costs; and*

1           (3) *the Department of Defense has provided for*  
 2           *appropriate security measures for the custody and*  
 3           *control of the individual during any period in which*  
 4           *the individual is temporarily in the United States*  
 5           *under this subsection.*

6           (b) *NOTICE TO CONGRESS REQUIRED BEFORE TRANS-*  
 7           *FER.—*

8           (1) *IN GENERAL.—In addition to the require-*  
 9           *ments in subsection (a), an individual may not be*  
 10           *temporarily transferred under the authority in that*  
 11           *subsection unless the Secretary of Defense submits to*  
 12           *the appropriate committees of Congress the notice de-*  
 13           *scribed in paragraph (2)—*

14                   (A) *not later than 30 days before the date*  
 15                   *of the proposed transfer; or*

16                   (B) *if notice cannot be provided in accord-*  
 17                   *ance with subparagraph (A) because of an espe-*  
 18                   *cially immediate need for the provision of med-*  
 19                   *ical treatment to prevent death or imminent sig-*  
 20                   *nificant injury or harm to the health of the indi-*  
 21                   *vidual, as soon as is practicable, but not later*  
 22                   *than 5 days after the date of transfer.*

23           (2) *NOTICE ELEMENTS.—The notice on the*  
 24           *transfer of an individual under this subsection shall*  
 25           *include the following:*

1           (A) *A statement of the basis for the deter-*  
 2           *mination that the transfer is necessary to pre-*  
 3           *vent death or imminent significant injury or*  
 4           *harm to the health of the individual.*

5           (B) *The specific Department of Defense*  
 6           *medical facility that will provide medical treat-*  
 7           *ment to the individual.*

8           (C) *A description of the actions the Sec-*  
 9           *retary determines have been taken, or will be*  
 10          *taken, to address any risk to the public safety*  
 11          *that could arise in connection with the provision*  
 12          *of medical treatment to the individual in the*  
 13          *United States.*

14          (c) *LIMITATION ON EXERCISE OF AUTHORITY.—The*  
 15          *authority of the Secretary of Defense under subsection (a)*  
 16          *may be exercised only by the Secretary of Defense or by*  
 17          *another official of the Department of Defense at the level*  
 18          *of Under Secretary of Defense or higher.*

19          (d) *CONDITIONS OF TRANSFER.—An individual who*  
 20          *is temporarily transferred under the authority in subsection*  
 21          *(a) shall—*

22               (1) *while in the United States, remain in the*  
 23               *custody and control of the Secretary of Defense at all*  
 24               *times; and*

1           (2) *be returned to United States Naval Station,*  
2           *Guantanamo Bay, Cuba, as soon as feasible after a*  
3           *Department of Defense physician determines that—*

4                   (A) *the individual is medically cleared to*  
5                   *travel; and*

6                   (B) *in consultation with the Commander,*  
7                   *Joint Task Force–Guantanamo Bay, Cuba, any*  
8                   *necessary follow-up medical care may reasonably*  
9                   *be provided the individual at United States*  
10                  *Naval Station, Guantanamo Bay, Cuba.*

11          (e) *STATUS WHILE IN UNITED STATES.—An indi-*  
12          *vidual who is temporarily transferred under the authority*  
13          *in subsection (a), while in the United States—*

14                  (1) *shall be deemed at all times and in all re-*  
15                  *spects to be in the uninterrupted custody of the Sec-*  
16                  *retary of Defense, as though the individual remained*  
17                  *physically at United States Naval Station, Guanta-*  
18                  *namo Bay, Cuba;*

19                  (2) *shall not at any time be subject to, and may*  
20                  *not apply for or obtain, or be deemed to enjoy, any*  
21                  *right, privilege, status, benefit, or eligibility for any*  
22                  *benefit under any provision of the immigration laws*  
23                  *(as defined in section 101(a)(17) of the Immigration*  
24                  *and Nationality Act (8 U.S.C. 1101(a)(17)), or any*  
25                  *other law or regulation;*

1           (3) *shall not be permitted to avail himself of any*  
 2           *right, privilege, or benefit of any law of the United*  
 3           *States beyond those available to individuals detained*  
 4           *at United States Naval Station, Guantanamo Bay,*  
 5           *Cuba; and*

6           (4) *shall not, as a result of such transfer, have*  
 7           *a change in any designation that may have attached*  
 8           *to that detainee while detained at United States*  
 9           *Naval Station, Guantanamo Bay, Cuba, pursuant to*  
 10          *the Authorization for Use of Military Force (Public*  
 11          *Law 107–40), as determined in accordance with ap-*  
 12          *plicable law and regulations..*

13          (f) *JUDICIAL REVIEW PRECLUDED.—*

14          (1) *NO CREATION OF ENFORCEABLE RIGHTS.—*  
 15          *Nothing in this section is intended to create any en-*  
 16          *forceable right or benefit, or any claim or cause of ac-*  
 17          *tion, by any party against the United States, or any*  
 18          *other person or entity.*

19          (2) *LIMITATION ON JUDICIAL REVIEW.—Except*  
 20          *as provided in paragraph (3), no court, justice, or*  
 21          *judge shall have jurisdiction to hear or consider any*  
 22          *claim or action against the United States or its*  
 23          *agents relating to any aspect of the detention, trans-*  
 24          *fer, treatment, or conditions of confinement of an in-*  
 25          *dividual transferred under this section.*

1           (3) *HABEAS CORPUS*.—

2                   (A) *JURISDICTION*.—*The United States Dis-*  
 3                   *trict Court for the District of Columbia shall*  
 4                   *have exclusive jurisdiction to consider an appli-*  
 5                   *cation for writ of habeas corpus challenging the*  
 6                   *fact or duration of detention and seeking release*  
 7                   *from custody filed by or on behalf of an indi-*  
 8                   *vidual who is in the United States pursuant to*  
 9                   *a temporary transfer under subsection (a). Such*  
 10                   *jurisdiction shall be limited to that required by*  
 11                   *the Constitution with respect to the fact or dura-*  
 12                   *tion of detention.*

13                   (B) *SCOPE OF AUTHORITY*.—*A court order*  
 14                   *in a proceeding covered by paragraph (3) may*  
 15                   *not—*

16                           (i) *review, halt, or stay the return of*  
 17                           *the individual who is the object of the appli-*  
 18                           *cation to United States Naval Station,*  
 19                           *Guantanamo Bay, Cuba, including pursu-*  
 20                           *ant to subsection (d); or*

21                           (ii) *order the release of the individual*  
 22                           *within the United States.*

23                   (g) *NOTIFICATION*.—*The Secretary of Defense shall no-*  
 24                   *tify the Committees on Armed Services of the Senate and*  
 25                   *the House of Representatives of any temporary transfer of*

1 *an individual under the authority in subsection (a) not*  
 2 *later than 5 days after the transfer of the individual under*  
 3 *that authority.*

4 *(h) DEFINITIONS.—In this section:*

5 *(1) The term “appropriate committees of Con-*  
 6 *gress” means—*

7 *(A) the Committee on Armed Services, the*  
 8 *Committee on Appropriations, and the Select*  
 9 *Committee on Intelligence of the Senate; and*

10 *(B) the Committee on Armed Services, the*  
 11 *Committee on Appropriations, and the Perma-*  
 12 *nent Select Committee on Intelligence of the*  
 13 *House of Representatives.*

14 *(2) The term “individual detained at Guanta-*  
 15 *namo” means any individual located at United*  
 16 *States Naval Station, Guantanamo Bay, Cuba, as of*  
 17 *October 1, 2009, who—*

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

21 *(B) is—*

22 *(i) in the custody or under the control*  
 23 *of the Department of Defense; or*

1                   (ii) otherwise under detention at  
 2                   United States Naval Station, Guantanamo  
 3                   Bay, Cuba.

4 **SEC. 5. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR**  
 5 **RELEASE ABROAD OF INDIVIDUALS DE-**  
 6 **TAINED AT UNITED STATES NAVAL STATION,**  
 7 **GUANTANAMO BAY, CUBA, DETERMINED OR**  
 8 **ASSESSED TO BE HIGH-RISK OR MEDIUM-RISK**  
 9 **THREATS.**

10           (a) *PROHIBITION.*—

11                   (1) *IN GENERAL.*—Notwithstanding any other  
 12                   provision of law, no amounts appropriated or other-  
 13                   wise available for any department or agency of the  
 14                   United States Government may be used, during the  
 15                   period beginning on the date of the enactment of this  
 16                   Act and ending on the date that is two years after the  
 17                   date of the enactment of this Act, to transfer, release,  
 18                   or assist in the transfer or release of any individual  
 19                   described in paragraph (2) to the custody or control  
 20                   of the individual’s country of origin, any other for-  
 21                   eign country, or any other foreign entity.

22                   (2) *COVERED INDIVIDUALS.*—An individual de-  
 23                   scribed in this paragraph is any individual detained  
 24                   in the custody or under the control of the Department  
 25                   of Defense at United States Naval Station, Guanta-

1        *namo Bay, Cuba, who is currently or ever has been*  
 2        *determined or assessed by Joint Task Force Guanta-*  
 3        *namo to be a high-risk or medium-risk threat to the*  
 4        *United States, its interests, or its allies.*

5        (b) *EXCEPTION.*—Subsection (a) shall not apply to  
 6        *any action taken by the head of a department or agency*  
 7        *of the United States Government to transfer, release, or as-*  
 8        *sist in the transfer or release of any individual described*  
 9        *in that subsection to effectuate an order affecting the dis-*  
 10       *position of the individual that is issued by a court or com-*  
 11       *petent tribunal of the United States having lawful jurisdic-*  
 12       *tion (which the Secretary shall notify the appropriate com-*  
 13       *mittees of Congress promptly after issuance).*

14       (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*  
 15       *FINED.*—In this section, the term “appropriate committees  
 16       *of Congress*” means—

17                (1) *the Committee on Armed Services, the Com-*  
 18                *mittee on Appropriations, and the Select Committee*  
 19                *on Intelligence of the Senate; and*

20                (2) *the Committee on Armed Services, the Com-*  
 21                *mittee on Appropriations, and the Permanent Select*  
 22                *Committee on Intelligence of the House of Representa-*  
 23                *tives.*

1 **SEC. 6. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR**  
 2 **RELEASE TO YEMEN OF INDIVIDUALS DE-**  
 3 **TAINED AT UNITED STATES NAVAL STATION,**  
 4 **GUANTANAMO BAY, CUBA.**

5 *Notwithstanding any other provision of law, no*  
 6 *amounts appropriated or otherwise available for any de-*  
 7 *partment or agency of the United States Government may*  
 8 *be used, during the period beginning on the date of the en-*  
 9 *actment of this Act and ending on the date that is two years*  
 10 *after the date of the enactment of this Act, to transfer, re-*  
 11 *lease, or assist in the transfer or release of any individual*  
 12 *detained in the custody or under the control of the Depart-*  
 13 *ment of Defense at United States Naval Station, Guanta-*  
 14 *namo Bay, Cuba, to the custody or control of the Republic*  
 15 *of Yemen or any entity within Yemen.*

16 **SEC. 7. REENACTMENT AND MODIFICATION OF CERTAIN**  
 17 **PRIOR REQUIREMENTS FOR CERTIFICATIONS**  
 18 **RELATING TO TRANSFER OF DETAINEES AT**  
 19 **UNITED STATES NAVAL STATION, GUANTA-**  
 20 **NAMO BAY, CUBA, TO FOREIGN COUNTRIES**  
 21 **AND OTHER FOREIGN ENTITIES.**

22 *(a) CERTIFICATION REQUIRED PRIOR TO TRANS-*  
 23 *FER.—*

24 *(1) IN GENERAL.—Except as provided in para-*  
 25 *graph (3) and subsection (d), the Secretary of Defense*  
 26 *may not use any amounts authorized to be appro-*

1     *priated or otherwise available to the Department of*  
2     *Defense to transfer any individual detained at Guan-*  
3     *tanamo to the custody or control of the individual's*  
4     *country of origin, any other foreign country, or any*  
5     *other foreign entity unless the Secretary submits to*  
6     *the appropriate committees of Congress the certifi-*  
7     *cation described in subsection (b) not later than 30*  
8     *days before the transfer of the individual.*

9             (2) *SCOPE OF REQUIREMENT.*—*The requirement*  
10     *in paragraph (1) applies to any authorized transfer*  
11     *or release of an individual described in that para-*  
12     *graph after the date of the enactment of this Act, in-*  
13     *cluding a transfer or release of such an individual*  
14     *who is also described in paragraph (2) of section 5(a)*  
15     *after the prohibition in section 5(a) ceases to be in ef-*  
16     *fect.*

17             (3) *EXCEPTION.*—*Paragraph (1) shall not apply*  
18     *to any action taken by the Secretary to transfer any*  
19     *individual detained at Guantanamo to effectuate an*  
20     *order affecting the disposition of the individual that*  
21     *is issued by a court or competent tribunal of the*  
22     *United States having lawful jurisdiction (which the*  
23     *Secretary shall notify the appropriate committees of*  
24     *Congress of promptly after issuance).*

1       (b) *CERTIFICATION.*—*A certification described in this*  
2 *subsection is a written certification made by the Secretary*  
3 *of Defense, with the concurrence of the Secretary of State*  
4 *and in consultation with the Director of National Intel-*  
5 *ligence, that—*

6           (1) *the government of the foreign country or the*  
7 *recognized leadership of the foreign entity to which*  
8 *the individual detained at Guantanamo is to be*  
9 *transferred—*

10           (A) *is not a designated state sponsor of ter-*  
11 *rorism or a designated foreign terrorist organi-*  
12 *zation;*

13           (B) *maintains control over each detention*  
14 *facility in which the individual is to be detained*  
15 *if the individual is to be housed in a detention*  
16 *facility;*

17           (C) *is not, as of the date of the certification,*  
18 *facing a threat that is likely to substantially af-*  
19 *fect its ability to exercise control over the indi-*  
20 *vidual;*

21           (D) *has taken or agreed to take effective ac-*  
22 *tions to ensure that the individual cannot take*  
23 *action to threaten the United States, its citizens,*  
24 *or its allies in the future;*

1           *(E) has taken or agreed to take such actions*  
 2           *as the Secretary of Defense determines are nec-*  
 3           *essary to ensure that the individual cannot en-*  
 4           *gage or reengage in any terrorist activity; and*

5           *(F) has agreed to share with the United*  
 6           *States any information that—*

7                     *(i) is related to the individual or any*  
 8                     *associates of the individual; and*

9                     *(ii) could affect the security of the*  
 10            *United States, its citizens, or its allies; and*

11           *(2) includes an assessment, in classified or un-*  
 12            *classified form, of the capacity, willingness, and past*  
 13            *practices (if applicable) of the foreign country or enti-*  
 14            *ty in relation to the Secretary's certifications.*

15           *(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RE-*  
 16            *CIDIVISM.—*

17                     *(1) PROHIBITION.—Except as provided in para-*  
 18            *graph (2) and subsection (d), the Secretary of Defense*  
 19            *may not use any amounts authorized to be appro-*  
 20            *priated or otherwise made available to the Depart-*  
 21            *ment of Defense to transfer any individual detained*  
 22            *at Guantanamo to the custody or control of the indi-*  
 23            *vidual's country of origin, any other foreign country,*  
 24            *or any other foreign entity if there is a confirmed*  
 25            *case of any individual who was detained at United*

1     *States Naval Station, Guantanamo Bay, Cuba, at*  
 2     *any time after September 11, 2001, who was trans-*  
 3     *ferred to such foreign country or entity and subse-*  
 4     *quently engaged in any terrorist activity.*

5             (2) *EXCEPTION.—Subject to subsection (e), para-*  
 6     *graph (1) shall not apply to any action taken by the*  
 7     *Secretary to transfer any individual detained at*  
 8     *Guantanamo to effectuate an order affecting the dis-*  
 9     *position of the individual that is issued by a court or*  
 10    *competent tribunal of the United States having lawful*  
 11    *jurisdiction (which the Secretary shall notify the ap-*  
 12    *propriate committees of Congress of promptly after*  
 13    *issuance).*

14            (d) *NATIONAL SECURITY WAIVER.—*

15             (1) *IN GENERAL.—Subject to subsection (e), the*  
 16     *Secretary of Defense may waive the applicability to*  
 17     *a detainee transfer of a certification requirement*  
 18     *specified in subparagraph (D) or (E) of subsection*  
 19     *(b)(1) or the prohibition in subsection (c), if the Sec-*  
 20     *retary certifies the rest of the criteria required by sub-*  
 21     *section (b) for transfers prohibited by subsection (c)*  
 22     *and, with the concurrence of the Secretary of State*  
 23     *and in consultation with the Director of National In-*  
 24     *telligence, determines that—*

1           (A) *alternative actions will be taken to ad-*  
 2           *dress the underlying purpose of the requirement*  
 3           *or requirements to be waived;*

4           (B) *in the case of a waiver of subparagraph*  
 5           *(D) or (E) of subsection (b)(1), it is not possible*  
 6           *to certify that the risks addressed in the para-*  
 7           *graph to be waived have been completely elimi-*  
 8           *nated, but the actions to be taken under subpara-*  
 9           *graph (A) will substantially mitigate such risks*  
 10          *with regard to the individual to be transferred;*

11          (C) *in the case of a waiver of subsection (c),*  
 12          *the Secretary has considered any confirmed case*  
 13          *in which an individual who was transferred to*  
 14          *the country subsequently engaged in terrorist ac-*  
 15          *tivity, and the actions to be taken under sub-*  
 16          *paragraph (A) will substantially mitigate the*  
 17          *risk of recidivism with regard to the individual*  
 18          *to be transferred; and*

19          (D) *the transfer is in the national security*  
 20          *interests of the United States.*

21          (2) *REPORTS.*—*Whenever the Secretary makes a*  
 22          *determination under paragraph (1), the Secretary*  
 23          *shall submit to the appropriate committees of Con-*  
 24          *gress, not later than 30 days before the transfer of the*  
 25          *individual concerned, the following:*

1                   (A) *A copy of the determination and the*  
2                   *waiver concerned.*

3                   (B) *A statement of the basis for the deter-*  
4                   *mination, including—*

5                         (i) *an explanation why the transfer is*  
6                         *in the national security interests of the*  
7                         *United States;*

8                         (ii) *in the case of a waiver of para-*  
9                         *graph (D) or (E) of subsection (b)(1), an*  
10                         *explanation why it is not possible to certify*  
11                         *that the risks addressed in the paragraph to*  
12                         *be waived have been completely eliminated;*  
13                         *and*

14                         (iii) *a classified summary of—*

15                                 (I) *the individual's record of co-*  
16                                 *operation while in the custody of or*  
17                                 *under the effective control of the De-*  
18                                 *partment of Defense; and*

19                                 (II) *the agreements and mecha-*  
20                                 *nisms in place to provide for con-*  
21                                 *tinuing cooperation.*

22                   (C) *A summary of the alternative actions to*  
23                   *be taken to address the underlying purpose of,*  
24                   *and to mitigate the risks addressed in, the para-*  
25                   *graph or subsection to be waived.*

1                   (D) *The assessment required by subsection*  
 2                   (b)(2).

3           (e) *COORDINATION WITH PROHIBITION ON TRANSFER*  
 4 *TO YEMEN.*—*While the prohibition in section 6 is in effect,*  
 5 *the exception in subsection (c)(2) and the waiver authority*  
 6 *in subsection (d) shall not apply to authorize the transfer*  
 7 *of an individual detained at Guantanamo to Yemen.*

8           (f) *RECORD OF COOPERATION.*—*In assessing the risk*  
 9 *that an individual detained at Guantanamo will engage*  
 10 *in terrorist activity or other actions that could affect the*  
 11 *security of the United States if released for the purpose of*  
 12 *making a certification under subsection (b) or a waiver*  
 13 *under subsection (d), the Secretary of Defense may give fa-*  
 14 *vorable consideration to any such individual—*

15                   (1) *who has substantially cooperated with United*  
 16 *States intelligence and law enforcement authorities,*  
 17 *pursuant to a pre-trial agreement, while in the cus-*  
 18 *tody of or under the effective control of the Depart-*  
 19 *ment of Defense; and*

20                   (2) *for whom agreements and effective mecha-*  
 21 *nisms are in place, to the extent relevant and nec-*  
 22 *essary, to provide for continued cooperation with*  
 23 *United States intelligence and law enforcement au-*  
 24 *thorities.*

25           (g) *DEFINITIONS.*—*In this section:*

1           (1) *The term “appropriate committees of Con-*  
2 *gress” means—*

3                   (A) *the Committee on Armed Services, the*  
4 *Committee on Appropriations, and the Select*  
5 *Committee on Intelligence of the Senate; and*

6                   (B) *the Committee on Armed Services, the*  
7 *Committee on Appropriations, and the Perma-*  
8 *nent Select Committee on Intelligence of the*  
9 *House of Representatives.*

10          (2) *The term “individual detained at Guanta-*  
11 *namo” means any individual located at United*  
12 *States Naval Station, Guantanamo Bay, Cuba, as of*  
13 *October 1, 2009, who—*

14                   (A) *is not a citizen of the United States or*  
15 *a member of the Armed Forces of the United*  
16 *States; and*

17                   (B) *is—*

18                           (i) *in the custody or under the control*  
19 *of the Department of Defense; or*

20                           (ii) *otherwise under detention at*  
21 *United States Naval Station, Guantanamo*  
22 *Bay, Cuba.*

23          (3) *The term “foreign terrorist organization”*  
24 *means any organization so designated by the Sec-*

(h) *REPEAL OF SUPERSEDED REQUIREMENTS AND LIMITATIONS.*—Section 1035 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 851; 10 U.S.C. 801 note) is repealed.

7 **SEC. 8. MINIMUM REQUIREMENTS FOR OPERATIONS AT DE-**  
8 **TENTION FACILITY AT UNITED STATES NAVAL**  
9 **STATION, GUANTANAMO BAY, CUBA.**

10       *The Secretary of Defense shall ensure that operations*  
11   *at the detention facility at United States Naval Station,*  
12   *Guantanamo Bay, Cuba, are conducted in a manner con-*  
13   *sistent with each of the following:*

14           (1) *The law of armed conflict, including Com-*  
15           *mon Article 3 of the Geneva Conventions.*

16                   (2) Sections 1402 and 1403 of the Detainee  
17                   Treatment Act of 2005 (10 U.S.C. 801 note; 42 U.S.C.  
18                   2000dd).

19 *SEC. 9. REPORT ON CURRENT DETAINEES AT UNITED*  
20 *STATES NAVAL STATION, GUANTANAMO BAY,*  
21 *CUBA, DETERMINED OR ASSESSED TO BE*  
22 *HIGH-RISK OR MEDIUM RISK.*

(a) *REPORT REQUIRED.*—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress

1 a report, in unclassified form, setting forth a list of the in-  
2 dividuals detained at Guantanamo as of the date of the en-  
3 actment of this Act who have been determined or assessed  
4 by Joint Task Force Guantanamo, at any time before the  
5 date of the report, to be a high-risk or medium-risk threat  
6 to the United States, its interests, or its allies.

7 (b) *ELEMENTS.*—The report under subsection (a) shall  
8 set forth, for each individual covered by the report, the fol-  
9 lowing:

10 (1) *The name and country of origin.*

11 (2) *The date on which first designated or as-*  
12 *essed as a high-risk or medium-risk threat to the*  
13 *United States, its interests, or its allies.*

14 (3) *Whether, as of the date of the report, cur-*  
15 *rently designated or assessed as a high-risk or me-*  
16 *dium-risk threat to the United States, its interests, or*  
17 *its allies.*

18 (4) *If the designation or assessment changed be-*  
19 *tween the date specified pursuant to paragraph (2)*  
20 *and the date of the report, the year and month in*  
21 *which the designation or assessment changed and the*  
22 *designation or assessment to which changed.*

23 (5) *To the extent practicable, without jeopard-*  
24 *izing intelligence sources and methods—*

1           (A) *prior actions in support of terrorism,*  
 2           *hostile actions against the United States or its*  
 3           *allies, gross violations of human rights, and*  
 4           *other violations of international law; and*

5           (B) *any affiliations with al Qaeda, al*  
 6           *Qaeda affiliates, or other terrorist groups.*

7       (c) *DEFINITIONS.—In this section:*

8           (1) *The term “appropriate committees of Con-*  
 9           *gress” means—*

10           (A) *the Committee on Armed Services, the*  
 11           *Committee on Appropriations, and the Select*  
 12           *Committee on Intelligence of the Senate; and*

13           (B) *the Committee on Armed Services, the*  
 14           *Committee on Appropriations, and the Perma-*  
 15           *nent Select Committee on Intelligence of the*  
 16           *House of Representatives.*

17           (2) *The term “individual detained at Guanta-*  
 18           *namo” means any individual located at United*  
 19           *States Naval Station, Guantanamo Bay, Cuba, as of*  
 20           *October 1, 2009, who—*

21           (A) *is not a citizen of the United States or*  
 22           *a member of the Armed Forces of the United*  
 23           *States; and*

24           (B) *is—*

- 1                   (i) *in the custody or under the control*  
 2                   *of the Department of Defense; or*  
 3                   (ii) *otherwise under detention at*  
 4                   *United States Naval Station, Guantanamo*  
 5                   *Bay, Cuba.*

6 **SEC. 10. SEMIANNUAL REPORTS ON USE OF UNITED STATES**  
 7                   **NAVAL STATION, GUANTANAMO BAY, CUBA,**  
 8                   **AND ANY OTHER DEPARTMENT OF DEFENSE**  
 9                   **OR BUREAU OF PRISONS PRISON OR OTHER**  
 10                   **DETENTION OR DISCIPLINARY FACILITY IN**  
 11                   **RECRUITMENT AND OTHER PROPAGANDA OF**  
 12                   **TERRORIST ORGANIZATIONS.**

13           (a) *IN GENERAL.*—*Not later than six months after the*  
 14 *date of the enactment of this Act, and every six months*  
 15 *thereafter, the Secretary of Defense shall, in consultation*  
 16 *with the Director of National Intelligence, submit to Con-*  
 17 *gress a report on the use by terrorist organizations and*  
 18 *their leaders of images and symbols relating to United*  
 19 *States Naval Station, Guantanamo Bay, Cuba, and any*  
 20 *other Department of Defense or Bureau of Prisons prison*  
 21 *or other detention or disciplinary facility for recruitment*  
 22 *and other propaganda purposes during the six-month pe-*  
 23 *riod ending on the date of such report. Each report shall*  
 24 *include the following:*

1           (1) *A description and assessment of the effective-*  
2           *ness of the use of such images and symbols for recruit-*  
3           *ment and other propaganda purposes.*

4           (2) *A description and assessment of the efforts of*  
5           *the United States Government to counter the use of*  
6           *such images and symbols for such purposes and to*  
7           *disseminate accurate information about such facili-*  
8           *ties.*

9           (b) *ADDITIONAL MATERIAL IN FIRST REPORT.—The*  
10          *first report under subsection (a) shall include a description*  
11          *of the use by terrorist organizations and their leaders of*  
12          *images and symbols relating to United States Naval Sta-*  
13          *tion, Guantanamo Bay, Cuba, and any other Department*  
14          *of Defense or Bureau of Prisons prison or other detention*  
15          *or disciplinary facility for recruitment and other propa-*  
16          *ganda purposes before the date of the enactment of this Act.*

**Calendar No. 20**

114TH CONGRESS  
1ST Session

**S. 165**

**A BILL**

To extend and enhance prohibitions and limitations with respect to the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, and for other purposes.

FEBRUARY 23, 2015

Reported with an amendment