

114TH CONGRESS
2D SESSION

S. 2746

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

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2016

Ms. AYOTTE (for herself, Mr. BURR, Mr. INHOFE, Mr. WICKER, Mr. MORAN, Mr. ROBERTS, Mr. SCOTT, Mrs. CAPITO, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish various prohibitions regarding the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, and with respect to United States Naval Station, Guantanamo Bay, 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 “Detaining Terrorists
5 to Protect Americans Act of 2016”.

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

5 No amounts authorized to be appropriated or other-
6 wise made available may be used to transfer, release, or
7 assist in the transfer or release to or within the United
8 States, its territories, or possessions of Khalid Sheikh Mo-
9 hammed or any other detainee who—

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

12 (2) is or was held on or after January 20,
13 2009, at United States Naval Station, Guantanamo
14 Bay, Cuba, by the Department of Defense.

15 **SEC. 3. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**
16 **OR MODIFY FACILITIES IN THE UNITED**
17 **STATES TO HOUSE DETAINEES TRANS-**
18 **FERRED FROM UNITED STATES NAVAL STA-**
19 **TION, GUANTANAMO BAY, CUBA.**

20 (a) IN GENERAL.—No amounts authorized to be ap-
21 propriated or otherwise made available may be used to
22 construct or modify any facility in the United States, its
23 territories, or possessions to house any individual detained
24 at Guantanamo for the purposes of detention or imprison-
25 ment in the custody or under the control of the Depart-
26 ment of Defense unless expressly authorized by an Act of

1 Congress enacted after the date of the enactment of this
2 Act.

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;
13 and

14 (2) is—

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

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

19 **SEC. 4. SUSPENSION OF USE OF FUNDS TO TRANSFER OR**
20 **RELEASE INDIVIDUALS DETAINED AT UNITED**
21 **STATES NAVAL STATION, GUANTANAMO BAY,**
22 **CUBA, TO FOREIGN COUNTRIES OR ENTITIES.**

23 (a) IN GENERAL.—Notwithstanding section 1034 of
24 the National Defense Authorization Act for Fiscal Year
25 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801

1 note), no amounts authorized to be appropriated or other-
2 wise made available may be used, during the period begin-
3 ning on the date of the enactment of this Act and ending
4 on September 30, 2017, to transfer, release, or assist in
5 the transfer or release of an individual detained at Guan-
6 tanamo to any foreign country or foreign entity unless ex-
7 pressly authorized by an Act of Congress enacted after
8 the date of the enactment of this Act.

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

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

17 (2) is—

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

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

1 **SEC. 5. 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 may be used—

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

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

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

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