

Statement on Signing the National Defense Authorization Act for Fiscal Year 2016

November 25, 2015

Today I have signed into law S. 1356, the “National Defense Authorization Act for Fiscal Year 2016.” I vetoed an earlier version of this legislation that failed to authorize funding for our national defense in a fiscally responsible manner. As I noted at the time, my first and most important responsibility, as President and Commander in Chief, is keeping the American people safe. The bill that the Congress originally presented to me was not acceptable. In addition to authorizing inadequate funding for our military, it would have prevented a range of necessary military reforms. It included language that would reenact, and in some cases expand, restrictions concerning the detention facility at Guantanamo Bay that I have repeatedly argued are counterproductive in the fight against terrorism.

Following my veto of the previous bill, the Congress approved—and I have signed into law—the “Bipartisan Budget Act of 2015,” which revises discretionary spending caps for fiscal years 2016 and 2017 by providing significant relief from sequestration for both defense and non-defense priorities. The agreement in place helps ensure that relief from sequestration is paid for in a balanced way. The Congress has now revised the National Defense Authorization Act to incorporate these new funding changes and has altered the funding authorization provisions to which I objected. I am therefore signing this annual defense authorization legislation because it includes vital benefits for military personnel and their families, authorities to facilitate ongoing operations around the globe, and important reforms to the military retirement system, as well as partial reforms to other military compensation programs. It also codifies key interrogation-related reforms from Executive Order 13491, which I strongly support.

I am, however, deeply disappointed that the Congress has again failed to take productive action toward closing the detention facility at Guantanamo. Maintaining this site, year after

year, is not consistent with our interests as a Nation and undermines our standing in the world. As I have said before, the continued operation of this facility weakens our national security by draining resources, damaging our relationships with key allies and partners, and emboldening violent extremists. It is imperative that we take responsible steps to reduce the population at this facility to the greatest extent possible and close the facility. The population once held at Guantanamo has now been reduced by over 85 percent. Over the past 24 months alone, we have transferred 57 detainees, and our efforts to transfer additional detainees continue. It is long past time for the Congress to lift the restrictions it has imposed and to work with my Administration to responsibly and safely close the facility, bringing this chapter of our history to a close.

The restrictions contained in this bill concerning the detention facility at Guantanamo are, as I have said in the past, unwarranted and counterproductive. Rather than taking steps to close the facility, this bill aims to extend its operation. Section 1032 renews the bar against using appropriated funds to construct or modify any facility in the United States, its territories, or possessions to house any Guantanamo detainee in the custody or under the control of the Department of Defense unless authorized by the Congress. Section 1031 also renews the bar against using appropriated funds to transfer Guantanamo detainees into the United States for any purpose. Sections 1033 and 1034 impose additional restrictions on foreign transfers of detainees—in some cases purporting to bar such transfers entirely. As I have said repeatedly, the executive branch must have the flexibility, with regard to the detainees who remain at Guantanamo, to determine when and where to prosecute them, based on the facts and circumstances of each case and our national security interests, and when and where to transfer them consistent with our national security and our humane treatment policy.

Under certain circumstances, the provisions in this bill concerning detainee transfers would violate constitutional separation of powers principles. Additionally, section 1033 could in some circumstances interfere with the ability to transfer a detainee who has been granted a writ of habeas corpus. In the event that the restrictions on the transfer of detainees in sections 1031, 1033, and 1034 operate in a manner that violates these constitutional principles, my Administration will implement them in a manner that avoids the constitutional conflict.

Finally, I am also disappointed that the Congress failed to enact meaningful reforms to divest

unneeded force structure, reduce wasteful overhead, and modernize military healthcare. These reforms are essential to maintaining a strong national defense over the long term. My Administration looks forward to continuing its work with the Congress on these important issues.

BARACK OBAMA

The White House,
November 25, 2015.

NOTE: S. 1356, approved November 25, was assigned Public Law No. 114-92.

The President's Weekly Address *November 26, 2015*

Hi, everybody. In 1620, a small band of pilgrims came to this continent, refugees who had fled persecution and violence in their native land. Nearly 400 years later, we remember their part in the American story, and we honor the men and women who helped them in their time of need.

Thanksgiving is a day for food and football and for hoping the turkey didn't turn out too dry. But it's also a day to count our blessings and give back to others, a reminder that no matter our circumstances, all of us have something to be grateful for. Maybe it's good health, a new addition to the family, or a child taking a next step toward college or a career. Maybe it's a new job or a long-overdue raise. Maybe it's something as simple and as important as the chance to spend time with the people who matter most.

Of course, every American can be thankful for the chance to live in a country founded on the belief that all of us are created equal. And as President, I'm thankful that I get to see the best of America every day: the courage of our troops and veterans, the resilience of our families, and the basic goodness of the ordinary people who call this country home.

On this uniquely American holiday, we also remember that so much of our greatness comes from our generosity. There's the generosity of Americans who volunteer at food banks

and shelters, making sure that no one goes hungry on a day when so many plates are full. There's the generosity of Americans who take part not just in Black Friday and Cyber Monday, but Giving Tuesday, recognizing that in the holiday season, what you give is as important as what you get.

And I've been touched by the generosity of the Americans who've written me letters and e-mails in recent weeks, offering to open their homes to refugees fleeing the brutality of ISIL. Now, people should remember that no refugee can enter our borders until they undergo the highest security checks of anyone traveling to the United States. That was the case before Paris, and it's the case now. And what happened in Paris hasn't stopped Americans from opening their arms anyway.

One woman from Pennsylvania wrote me to say: "Money is tight for us in my household. . . . But I have a guest room. I have a pantry full of food. We can do this." Another woman from Florida told me her family's history dates back to the Mayflower, and she said that welcoming others is part of "what it means to be an American."

Nearly four centuries after the Mayflower set sail, the world is still full of pilgrims: men and women who want nothing more than the chance for a safer, better future for themselves and their families. What makes America