

113TH CONGRESS
2D SESSION

S. RES. _____

Expressing the sense of the Senate on the May 31, 2014, transfer of five detainees from the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

IN THE SENATE OF THE UNITED STATES

Mr. PORTMAN submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing the sense of the Senate on the May 31, 2014, transfer of five detainees from the detention facility at United States Naval Station, Guantanamo Bay, Cuba.

Whereas in enacting the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), Congress provided the executive branch with clear guidance and requirements for transferring or releasing individuals from the detention facility at United States Naval Station, Guantanamo Bay, Cuba;

Whereas the National Defense Authorization Act for Fiscal Year 2014 states the Secretary of Defense may transfer an individual detained at United States Naval Station, Guantanamo Bay, Cuba, if the Secretary determines, following a review conducted in accordance with the require-

ments of section 1023 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 801 note) and Executive Order No. 13567, that the individual is no longer a threat to the United States, or the individual is ordered released by a United States court, or such an individual can be transferred if the Secretary determines that actions have been or are planned to be taken which will substantially mitigate the risk of the individual engaging or re-engaging in any terrorist activity or other hostile activity that threatens the United States or United States persons or interests and the transfer is in the national security interest of the United States;

Whereas the National Defense Authorization Act for Fiscal Year 2014 states that the Secretary of Defense must notify the appropriate committees of Congress of such a determination not later than 30 days before the transfer or release of the individual concerned from United States Naval Station, Guantanamo Bay, Cuba;

Whereas the National Defense Authorization Act for Fiscal Year 2014 states that such a notification must include a detailed statement of the basis for the transfer or release, an explanation of why the transfer or release is in the national security interests of the United States, a description of any actions taken to mitigate the risks of re-engagement by the individual to be transferred or released, a copy of any Periodic Review Board findings relating to the individual, and a description of the evaluation conducted pursuant to factors that must be considered prior to such a transfer or release;

Whereas the Consolidated Appropriations Act, 2014 (Public Law 113–76) states that none of the funds appropriated or otherwise made available in that Act may be used to

transfer covered individuals detained at United States Naval Station Guantanamo Bay, Cuba, except in accordance with the National Defense Authorization Act for Fiscal Year 2014;

Whereas on May 31, 2014, detainees Khairullah Khairkhwa, Abdul Haq Wasiq, Mohammed Fazl, Noorullah Noori, and Mohammed Nabi Omari were transferred from United States Naval Station, Guantanamo Bay, Cuba, to Qatar; and

Whereas the appropriate committees of Congress were not notified of the transfers as required by the National Defense Authorization Act for Fiscal Year 2014 prior to the transfers: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that—

2 (1) the transfers of detainees Khairullah
3 Khairkhwa, Abdul Haq Wasiq, Mohammed Fazl,
4 Noorullah Noori, and Mohammed Nabi Omari from
5 United States Naval Station, Guantanamo Bay,
6 Cuba, to Qatar on May 31, 2014, violated the Na-
7 tional Defense Authorization Act for Fiscal Year
8 2014 (Public Law 113–66) and the Consolidated
9 Appropriations Act, 2014 (Public Law 113–76); and

10 (2) Congress should—

11 (A) investigate the actions taken by Presi-
12 dent Obama and his administration that led to
13 the unlawful transfer of such detainees, includ-
14 ing an evaluation of other options considered to

1 reach the desired policy outcome of the Presi-
2 dent; and

3 (B) determine the impact of the transfer of
4 such detainees on the national security of the
5 United States and measures that should be
6 taken to mitigate any negative consequences.