



June 16, 2015

Vote “YES” on Schiff/Smith Amendment #6 to Close Guantanamo Prison

Vote “NO” on Final Passage of H.R. 2596, FY 2016 Intelligence Authorization Act, Unless Schiff/Smith Amendment #6 Passes

Dear Representative:

The undersigned human rights, civil liberties, national security, and religious organizations write to **strongly urge you to vote to vote no on final passage of the FY 2016 Intelligence Authorization Act, unless the Schiff/Smith amendment passes.** The onerous and unwarranted transfer restrictions in the bill would block the closing of the Guantanamo detention facility and continue the practice of indefinite detention without charge or trial. Specifically, we ask you to vote yes on Schiff amendment #6, which would delete the restrictions in the base bill, provide for an orderly closing of the Guantanamo detention facility, and permit an end to indefinite detention without charge or trial. **If Schiff/Smith amendment #6 fails, we urge you to vote “no” on final passage of the Intelligence Authorization Act.**

The Obama administration, both through its Statement of Administration Policy (SAP) on the Intelligence Authorization Act and through recent public statements on Guantanamo transfer restrictions, **has threatened a veto over transfer restrictions.** In its veto threat yesterday, the administration stated, like previous legislation, the Intelligence Authorization Act

“[n]ot only extend[s] certain existing restrictions, it would impose an additional restriction” regarding detainees at Guantanamo Bay. The administration characterizes the restrictions in the bill as “burdensome,” “unwise and unnecessary,” “imped[ing] efforts to responsibly close the facility,” inconsistent “with our national security and our humane treatment policy,” in violation of “constitutional separation of powers principles,” and “interfere[ing] with a detainee’s right to the writ of habeas corpus.”

The Intelligence Authorization Act’s Guantanamo provisions were harmful as reported out of committee. The bill already reinstates a series of restrictive overseas transfer restrictions that a bipartisan majority of Congress rejected and replaced in the NDAA’s for FY 2014 and FY 2015. In addition, the committee-reported bill added new restrictions, including a bizarre provision that has the IRS tax code set Guantanamo policy by prohibiting transfers to countries that are included as “combat zones” for IRS tax preferences—including allies of the United States, such as Israel, Turkey, Saudi Arabia, and Kuwait.

Vote “YES” on Schiff/Smith Amendment #6: The Schiff/Smith amendment strikes all of the provisions in the Intelligence Authorization Act base bill that form the basis of the administration’s veto threat and facilitates the clearance process. The Schiff/Smith amendment would facilitate the closure of the Guantanamo detention facility and allow the end of indefinite detention without charge or trial.

Vote “NO” on Final Passage of the Intelligence Authorization Act if the Schiff/Smith Amendment Fails: We strongly urge you to vote “no” on final passage of the Intelligence Authorization Act if the Schiff/Smith amendment fails. The administration’s SAP enumerates compelling constitutional, national security, and human rights reasons for opposing the transfer restrictions in the Intelligence Authorization Act, as reported out of committee. The transfer restrictions in the Intelligence Authorization Act would further the inhumane continued detention of men at Guantanamo Bay, squander scarce resources, and—according to top national security officials under both the Bush and Obama administrations—make us less safe. We urge you to vote “NO.”

Thank you for your attention to this issue, and please call on any of us with any questions.

Sincerely,

American Civil Liberties Union
Amnesty International USA
Center for Victims of Torture
The Constitution Project
Council on American-Islamic Relations
Friends Committee on National Legislation
Human Rights First
Human Rights Watch
National Association of Criminal Defense Lawyers
National Religious Campaign Against Torture
National Security Network

Reprieve
Win Without War