

Ranking Member Schiff Statement
Schiff Amendment to IAA
June 4, 2015

Mr. Chairman:

I have an amendment at the desk and ask for its immediate consideration.

[Chairman Nunes will speak and deem the amendment as having been read]

Mr. Chairman: My amendment strikes the sections of the bill which seek to hamstring the Administration's ability to explore ways to close the prison at Guantanamo by transferring the remaining detainees to the United States for further disposition of their cases, or to third countries that agree to accept them.

Every day that it remains open, Guantanamo Bay damages the United States. Because there are other, better options for the prosecution and

detention of these inmates, we are not safer for Guantanamo's existence -- in fact it makes us more vulnerable by drawing new generations to the jihad. The Congress, the Administration and the military can work together to find a solution that protects our people even as we maintain our principles and devotion to the rule of law.

Under the provisions included in this bill, the Administration would be barred from bringing Guantanamo detainees here to the United States, and from transferring them to a “war zone.”

I agree that it would be foolhardy to send a detainee to Yemen or Iraq, but there is no indication the Administration is considering such a step. But here, the definition of “war zone” comes from the U.S. tax code, and is extremely overbroad, including nations including Jordan, Saudi Arabia, and even Croatia. And so, under these provisions a detainee could not be sent to any number of otherwise suitable countries that are willing to

accept them and to make sure they don't return to the fight.

Equally problematically, the bill prevents the Administration from seeking to transfer Guantanamo detainees to the United States for further proceedings under the military commissions process, or for trial in an Article III court.

The Department of Justice and our Courts have proven themselves time and again to be more than capable of handling the toughest terrorism cases, and doing so in a way that ennobles us and sets an example to the world that a great nation can both safeguard its people and the rule of law.

And, as a practical matter, our civilian courts have proven much more adept at handling these cases than the military commissions process has. While Khalid Sheikh Muhammed and his fellow Guantanamo terrorists still await their

date with justice -at tremendous cost - a host of others, including Richard Reid, the “shoe bomber,” Umar Farouk Abdulmutallab, the “underwear bomber,” and Faisal Shahzad, the “Times Square bomber,” have been tried, convicted and sent to ADX Florence, the toughest prison in America. They are gone – and they are never coming back.

I urge the Committee to reconsider these provisions and to trust in American justice and diplomacy and give the administration the flexibility it needs to shutter a prison that remains a costly and self-inflicted wound to our international standing.

Thank you, I yield back.