

Statement on Signing the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015

December 19, 2014

Today I have signed into law H.R. 3979, the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015. I have signed this annual defense authorization legislation because it will provide vital benefits for military personnel and their families, as well as critical contingency authorities needed to counter the Islamic State of Iraq and the Levant and to respond to emerging needs in the face of evolving terrorist threats and emergent crises worldwide.

Earlier this month, the Department of Defense transferred the last remaining third-country nationals held in U.S. custody in Afghanistan, ending U.S. detention operations in Afghanistan. Yet, halfway around the world, the detention facility at Guantanamo Bay, Cuba, remains open for the 13th consecutive year, costing the American people hundreds of millions of dollars each year and undermining America's standing in the world. As I have said many times, the continued operation of this detention facility weakens our national security by draining resources, damaging our relationships with key allies and partners, and emboldening violent extremists. Closing the detention facility is a national imperative.

I have repeatedly called upon the Congress to work with my administration to close the detention facility at Guantanamo once and for all. Individuals from across the political spectrum have recognized that the facility should be closed. But instead of removing unwarranted and burdensome restrictions that curtail the executive branch's options for managing the detainee population, this bill continues them. 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 1033 likewise renews the bar against using appropriated funds to transfer Guantanamo detainees into the United States for any purpose. The Consolidated and Further Continuing Appropriations Act, 2015, contains similar provisions as well as those relating to existing restrictions on the transfer of detainees abroad. I have consistently opposed these restrictions and will continue to work with the Congress to remove them. More than 80 percent of detainees at one time held at the detention facility have now been transferred. The executive branch must have the flexibility, with regard to those detainees who remain, 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 concerning detainee transfers in both bills would violate constitutional separation of powers principles. In the event that the restrictions on the transfer of detainees operate in a manner that violates constitutional separation of powers principles, my administration will implement them in a manner that avoids the constitutional conflict.

The Guantanamo detention facility's continued operation undermines our national security. We must close it. I call on Members from both sides of the aisle to work with us to bring this chapter of American history to a close.

NOTE: H.R. 3979, approved December 19, was assigned Public Law No. 113–291. The statement referred to H.R. 83, the Consolidated and Further Continuing Appropriations Act, 2015, which was approved December 16 and assigned Public Law No. 113–235.

Categories: Bill Signings and Vetoes : Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, signing statement.

Subjects: Afghanistan : Detention facilities, transfer of responsibility to Afghan forces; Armed Forces, U.S. : Funding; Budget, Federal : Appropriations :: Consolidated; Cuba : Guantanamo Bay, U.S. Naval Base :: Closure of detention facilities; Cuba : Guantanamo Bay, U.S. Naval Base :: Detention of alleged terrorists; Iraq : Islamic State of Iraq and the Levant (ISIL) terrorist organization; Legislation, enacted : Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015; Terrorism : Transfer of detainees at Guantanamo Bay.

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