



H.R. 5351 — To prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba (Rep. Walorski, R-IN)

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FLOOR SCHEDULE:

Scheduled for consideration on September 15, 2016 under a [closed rule](#).

TOPLINE SUMMARY:

[H.R. 5351](#) would prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 5351 would prohibit amounts authorized to be appropriated for any department or agency of the United States government to be used to transfer, release, or assist in the transfer of a detainee at United States Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories, or possessions, or to any foreign country or entity from the bill's enactment date to until the FY2017 Department of Defense appropriations is enacted, or January 1, 2017, whichever comes first.

Similar restrictions have been included in recent annual DoD appropriations bills.

AMENDMENT MADE IN ORDER (CONSIDERED ADOPTED):

- [#1 Walorski \(R-IN\)](#): would amend the length of the prohibition to transfer or release detainees by striking the expiration date of January 1, 2017 and revising it to January 21, 2017.

COMMITTEE ACTION:

H.R. 5351 was introduced on May 26, 2016 and was referred to the House Committee on Armed Services.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the Constitution. "To provide for the common defense," "to raise and support Armies," "to provide and maintain a Navy," and "to make rules for the government and regulation of the land and naval forces."

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