

# United States Senate

WASHINGTON, DC 20510

May 25, 2021

The Honorable Joseph R. Biden Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Mr. President:

We are writing to you regarding the status of the detention facility at U.S. Naval Station Guantanamo Bay, Cuba. In light of the recent decision to withdraw all U.S. forces from Afghanistan by September 11, 2021, we anticipate your team is also developing a clear path forward to maintain GTMO operations, which are supported by a bipartisan Congressional majority and most Americans.

Since 2002, GTMO has played a vital role in the War on Terror. Serving as a detention center for the last 19 years, the camp has housed hundreds of terrorists, including 680 detainees at its peak in 2003. Among them are Khalid Sheik Mohammed, the principal architect of the September 11, 2001 attacks, as well as aides to Osama bin Laden and al-Qaida, accomplices to the 2000 USS Cole suicide bombing, and others who have planned or carried out attacks on our country.

As you know from your tenure on Capitol Hill, the majority of Congress does not support closing the detention camp or transferring detainees to U.S. soil. When President Obama tried to do so, Congress passed a variety of bipartisan measures, including legislation prohibiting detainee transfers to the United States, funding restrictions, and certification requirements. These provisions remain important to ensure GTMO operations continue and no U.S. state is forced to host these detainees. No American—in your home state of Delaware or anywhere else—should have to bear the risk of hosting Khalid Sheik Mohammed or other terrorists near their communities.

In a 2019 report, the Director of National Intelligence noted that 17% of the individuals formerly detained at GTMO reengaged in terrorist activities after release or transfer from the Naval Station. We have also seen numerous examples of former detainees being released only to launch new attacks against Americans, resulting in the death of American service members. Furthermore, the remaining 40 detainees are all high risk, so the chance of future violence may exceed previous levels. There is no reason to take such unnecessary risks.

On May 10, 2021, during the first hearing in a Guantanamo habeas corpus case since you entered office, Justice Department lawyer Stephen Elliott stated the United States retains the authority to detain Asadullah Haroon Gul—a former Afghan militia member with Al-Qaida ties—despite the Afghanistan withdrawal. We encourage your Administration to carry forward this line of argument even as our military footprint in Afghanistan ends.


However, we are concerned to learn that the Periodic Review Board, which operates at your direction, has approved the release of Saifullah Paracha, Abdul Rabbani, and Uthman Abdul al-Rahim Uthman. While there were reasonable arguments for transferring and repatriating some low-risk detainees under your predecessors, we all agree that relocating the remaining 40 individuals or closing the facility would create an unnecessary risk. We must avoid repeating past mistakes and ensure GTMO detainees are brought to justice.

We hope you will assure Congress and the American people that you will not release or transfer current detainees. Thank you for your consideration and attention to this important national security issue.


Sincerely,



James Lankford  
United States Senator




James M. Inhofe  
United States Senator



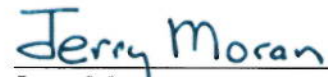
Kevin Cramer  
United States Senator



Thom Tillis  
United States Senator




Ted Cruz  
United States Senator



Jerry Moran  
United States Senator



Marsha Blackburn  
United States Senator



Steve Daines  
United States Senator