

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Opening Statement

**Ranking Member Congressman Stephen F. Lynch (MA-08)**

**House Oversight Subcommittee on National Security**

**Hearing on "Guantanamo Bay: The Remaining Detainees"**

**Tuesday, May 24, 2016**

Thank you, Mr. Chairman. I'd like to thank you for holding this hearing to examine national security issues related to the detention facility at the U.S. Naval Station, Guantanamo Bay, Cuba. I'd also like to thank today's witnesses for helping this Subcommittee with its work.

As reported by the Department of Defense, nearly 800 detainees have been held at Guantanamo since 2002, including a peak of 684 detainees in June of 2003. Over the past 13 years, the detainee population has been dramatically reduced by 85%, or 691, with more than 530 detainees transferred by President Bush and 158 transferred by President Obama to the custody of an estimated 60 countries. During my last oversight visit to Guantanamo a couple of years ago, the number of detainees stood at 174. Today, there are 80.

In accordance with the *Defense Authorization Act for Fiscal Year 2016*, the Defense Department submitted a plan to Congress to resolve the disposition of these remaining detainees and implement the President's intent to close the facility as "*a national security imperative*." It provides that the Administration will review detainee eligibility for secure transfer to foreign government custody or prosecution by U.S. military commission. For detainees who must be subject to continued detention, the plan proposes relocation to an appropriate detention facility within the continental United States. As such, this plan will require explicit congressional approval.

In support of its plan, the Defense Department reports that the cost of operating the detention mission at Guantanamo in fiscal year 2015 was approximately \$445 million dollars. It also estimates that closure would lower annual operational costs by between \$140 million and \$180 million dollars. I would note that the annual cost of operating Guantanamo follows the significant infrastructure investment that we've already made in the facility – including \$12 million for a courtroom known as the Expeditionary Legal Complex.

Now, much of the political and legislative debate over Guantanamo continues to focus on the very broad question of whether closing the facility would serve our national security interests. The annual defense authorization bill again includes provisions designed to prohibit closure. I supported an amendment offered by Representative Jerrold Nadler of New York to strike this language because I do believe that we should afford the Defense Department flexibility in resolving the disposition of the remaining detainees.

However, national security demands that we do not simply remain at a political impasse over closure. Rather, it is imperative that we work on a bipartisan basis to examine the threshold issue of whether each detainee poses a threat not only to the national security of the United States but also that that

of our coalition partners in the Global Campaign to Counter the Islamic State and other terrorist organizations. In addition, we must assess whether we can securely transfer eligible detainees to foreign custody and mitigate their potential to return as militants to the battlefields of Afghanistan, Syria, and Iraq or conduct terrorist operations worldwide.

As reported by the Director of National Intelligence in March of this year, approximately 17.5% of former Guantanamo detainees that have been transferred to other countries are confirmed of reengaging in terrorist or insurgent activities. That's 118 out of 676 former detainees directly involved in terrorism or insurgency since the first Guantanamo transfers in 2002. This includes 111 detainees transferred during the Bush Administration, 57 of who are not in U.S. or foreign custody, and 7 detainees transferred during the Obama Administration, 6 of who are not in U.S. or foreign custody. An estimated 12.7% of former Guantanamo detainees – 86 altogether - are suspected of re-engaging in terrorist or insurgent activities.

In order to strengthen the detainee vetting process, the President established an interagency board in 2009 to evaluate detainees on a rolling basis and determine their eligibility for transfer to a third country, prosecution, or continued detention. This is a marked improvement over previous vetting conducted by only a single agency – the Department of Defense. However, continued evidence of terrorist reengagement reiterates that we must further enhance our detainee review process to assure that custody is handled in a secure and responsible manner.

Mr. Chairman, I look forward to examining these and other issues with our witnesses and yield the balance of my time.

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