

Congress of the United States
Washington, DC 20515

September 30, 2016

The Honorable Ash Carter
Secretary of Defense
1300 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Carter:

Since President Obama announced his plan to close the detention facility at Guantanamo Bay (GTMO) during his 2008 campaign, Members of Congress have been pushing back. The American people understand that bringing hardened terrorists to U.S. soil would make our country less safe. Particularly, citizens of Kansas, Colorado, and South Carolina have been frightened to hear jihadists might be held in their backyards, with no input from local residents.

But President Obama has proceeded with his campaign promise—releasing dozens and dozens of GTMO detainees responsible for the deaths of U.S. service members. And these men, once released, continue to kill Americans. So Congress has acted, prohibiting the closing of Guantanamo Bay in multiple laws, across several years. In fact, the 2016 National Defense Authorization Act, which President Obama signed into law in November 2015, prohibits the use of funds to “transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions...” of individuals detained at Guantanamo Bay.

And yet, as Kansas Attorney General Derek Schmidt uncovered recently, the Department of Defense has indeed used funds to assist in the transfer within the United States of individuals detained at Guantanamo Bay. After Attorney General Schmidt filed an unanswered Freedom of Information Act request in December 2015, a federal lawsuit in July 2016, and a Court motion in September, the Department of Defense provided him with only half a page of information on its plan to consider three U.S. sites, including Fort Leavenworth in Kansas, as a possible location for GTMO detainees.

Rather than spending zero dollars on site surveys, as mandated by U.S. law, the Department of Defense has spent over \$25,000. This is following neither the letter, nor spirit of the law. As such, the Kansas delegation in the House of Representatives requests answers to the following questions by October 14.

1. Who at the Department of Defense authorized these site surveys?
2. When did the site surveys take place?
3. What funds were used for the surveys? In your reply, please include information on the budget line item.
4. Under what authority were these site surveys completed?

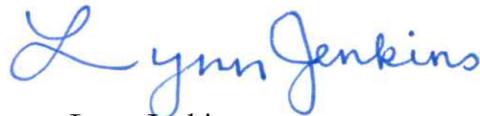
5. What were the conclusions of these site surveys?
6. How many individuals, including Department of Defense personnel and contractors, participated in these site surveys? What are their names and titles?
7. Did the Department of Defense seek approval from any of the site leadership in Kansas, Colorado, or South Carolina in order to undertake these surveys?
8. Are future site surveys planned in Kansas, Colorado, South Carolina, or other states?

We stand with our Senate colleagues in condemning this illegal action and encouraging all states to pursue the appropriate legal action in response.

Sincerely,



Mike Pompeo
MEMBER OF CONGRESS



Lynn Jenkins
MEMBER OF CONGRESS



Kevin Yoder
MEMBER OF CONGRESS