

United States Senate

WASHINGTON, DC 20510

May 4, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Obama:

On January 22, 2009, you signed a historic executive order to restore America's role as a leader on human rights by requiring the detention facility at Guantanamo Bay to be closed within one year. Unfortunately, more than six years later, it remains open at great financial cost and harm to the national security of the United States. At an event earlier this year in Cleveland, you stated that if you could go back to your first day in office, you would immediately close the detention facility at Guantanamo. Although onerous restrictions imposed by Congress have hindered efforts to close the detention facility, we urge you to immediately take meaningful action in order to end this unfortunate chapter in our nation's history before you leave office. With only 20 months remaining in your Presidency, time is of the essence.

Currently, of the 122 detainees who remain at Guantanamo, nearly half have been unanimously cleared for transfer to either their home countries or third countries, through a rigorous process that requires the unanimous agreement of the Secretary of State, Secretary of Homeland Security, Director of National Intelligence, Attorney General, Secretary of Defense, and the Chairman of the Joint Chiefs. Many of these detainees were approved for transfer years ago and their continued indefinite detention serves as a propaganda tool for terrorists and harms our national security. There have been no transfers of Guantanamo detainees since January 15, an especially troubling lapse in light of how little time is left in your administration. Transferring the 57 cleared detainees as quickly as possible will be a momentous step toward closing Guantanamo.

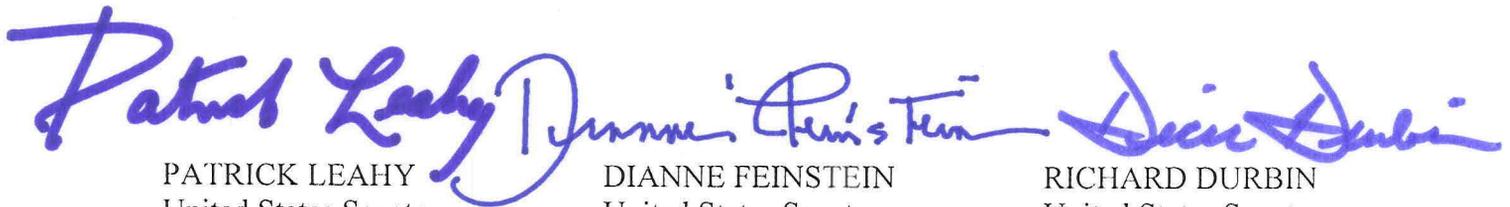
For those detainees who have not been cleared for transfer or charged with a crime, we urge you to expedite and prioritize hearings before the Periodic Review Board (PRB), as required by Executive Order 13567. It is important that all eligible detainees receive a review by this interagency panel as soon as possible to determine if their continued law of war detention is necessary. Of the 14 PRB determinations that have been made public, nine detainees have had their status changed to become eligible for transfer. At the current pace, PRBs for all remaining eligible detainees will not take place until the end of the decade. Accelerating the PRB process will help to determine whether additional detainees can be transferred from Guantanamo.

While entirely eliminating the risk of detainee recidivism is impossible, the enhanced review process your administration instituted has helped to mitigate the risk that detainees will re-engage in terrorist activities. Statistics released by the Office of the Director of National Intelligence in March confirm that instances of confirmed and suspected detainee recidivism have both dramatically decreased since you took office. As a result of this more rigorous process, less than six percent of detainees transferred since 2009 have been confirmed of re-engaging and less than one percent of detainees have been suspected of re-engaging in terrorist activities. This marked improvement over the record of the prior administration demonstrates that it is possible to transfer detainees while also protecting our national security.

Maintaining the status quo at Guantanamo is reckless fiscal policy. At a time when budgets are tight, the detention facility is costing our country billions of dollars. Each detainee held at Guantanamo costs the government as much as \$3.3 million annually and that figure will only continue to rise as the detainee population ages. By comparison, it costs approximately \$79,000 to house a person in the most secure federal Supermax prison in America. We should not squander precious manpower and resources holding detainees who have been approved for transfer.

At the request of your administration, we have worked to ease unduly burdensome detainee transfer restrictions, and we ask that you utilize current authorities to expedite the transfer of all cleared detainees and accelerate the Periodic Review Board process to determine if additional detainees can be transferred. These are two commonsense steps that you can take immediately to bring America closer to our shared aim of shuttering this unnecessary prison, a goal you articulated on your second day in office.

Sincerely,



PATRICK LEAHY
United States Senator

DIANNE FEINSTEIN
United States Senator

RICHARD DURBIN
United States Senator

cc: Secretary of Defense Ashton Carter
Secretary of State John Kerry