



**Statement of Subcommittee Chairman Scott Perry (R-PA)
Oversight and Management Efficiency Subcommittee**

*Transferring Guantanamo Bay Detainees to the Homeland:
Implications for States and Local Communities
April 28, 2016*

Remarks as Prepared

In January 2009, President Obama signed Executive Order 13492, which ordered the closure of the detention facilities at the Guantanamo Bay Naval Base in Cuba. Over seven years later—in February 2016—the Administration submitted its plan to close the detention facility. Although the plan is devoid of specifics, the Administration has made clear that it intends to identify a location within the United States to detain an unspecified number of Gitmo prisoners. In a hearing before the House Foreign Affairs Committee last month, a senior Defense Department official touted that the plan, “represents the collective best judgment of the Administration’s top military and civilian leaders” and is the result of close collaboration across numerous federal agencies.

But it’s time to set the record straight: the Administration has failed to seek very necessary input from state and local law enforcement on its plan. The reason is simple: law enforcement professionals strongly oppose any plan that could endanger the citizens they’re sworn to protect. Last month, the Major County Sheriff’s Association, which represents sheriff’s offices from our Nation’s largest counties, wrote the President to express their opposition to the plan. I ask that this letter be included in the record. Without objection, so ordered. The letter states that, “detainees, deemed too dangerous to release, should not be brought to the homeland where they will pose a threat to the local communities we serve.”

Why would the Administration ignore the advice of our state and local law enforcement professionals? Just because their advice doesn’t fit the Administration’s political narrative doesn’t mean their voice shouldn’t be heard. The fact is, state and local law enforcement have numerous concerns with the implications of bringing the world’s most dangerous terrorists to our homeland. Law enforcement officials have serious questions, which the Administration’s plan either failed to consider or simply didn’t answer. For example, what if the base requires evacuation; what if detainees require transportation to medical facilities; and what additional resources are needed for such transfers?

The Administration has argued that taxpayers could save tens of millions of dollars by transferring these terrorists to the homeland. But did they calculate the costs to states and local communities? Cash-strapped states and localities will face additional costs due to the heightened threat environment brought about by this decision - and taxpayers will foot the bill. The site likely would become a magnet for protests as well, further straining the resources of the locals.

We also have legal questions - such as whether these terrorists could be eligible for certain forms of relief from removal, release from immigration detention, or constitutional rights. The Department of Justice believes that existing statutory safeguards are sufficient and courts historically have ruled that detainees

held under the laws of war who are brought to the US are outside the reach of immigration laws. But make no mistake...their lawyers will test every avenue, and slow justice even further.

Another major concern is that the facility would become a terrorist target in itself. Consider the propaganda value for ISIS if it successfully sprang a hardened Gitmo terrorist on American soil. Anyone who thinks this is impossible is suffering from, as the 9/11 Commission put it, "a failure of imagination." With about 30 percent of released detainees having been confirmed or suspected of rejoining the fight, Gitmo detainees clearly remain dangerous and want to kill Americans. The facility also could become an attractive target for lone wolves, and other radical Islamist extremists may be inspired to perform jihad in the homeland.

The American people do not want Gitmo terrorists detained in their communities, their neighborhoods, or down the street from their children's school. Fortunately, Congress passed legislation that prohibits transferring Gitmo detainees to the homeland - and the President signed it. However, he's still moving forward with his legacy-driven agenda which includes closing Guantanamo - despite the will of the American people. States and localities must prepare for the possibility that this Administration will seek to detain these terrorists in our communities.

Finally, I thank Governor Haley for appearing before the Subcommittee today. As I stated earlier, receiving input from states and local communities regarding these transfers is critical; that Governor Haley made the trip to Washington today underscores that importance. Thank you again for being here today, Governor; I look forward to your testimony.

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