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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

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February 24, 2025

The Honorable Pete Hegseth
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Hegseth:

The mission of the Department of Defense (DoD) is to protect the nation through overwhelming military strength — not to carry out the mass detention of migrants at overseas camps. We write to express our objection to the planned mass detention of up to 30,000 migrants at Naval Station (NS) Guantánamo Bay, Cuba.¹ We believe this mission risks long-term damage to the readiness and reputation of our Armed Forces.

In executing the President's Executive Order of January 29, 2025, DoD funds, personnel, equipment, land, facilities, and aircraft are being used to support detention operations at NS Guantánamo Bay jointly with the Department of Homeland Security (DHS). Given widespread and well-documented abuse of detainees in DHS and DHS-contracted facilities in the United States,² we lack confidence that DHS political leadership has the will or capacity to conduct such detention operations at NS Guantánamo Bay humanely. We are concerned that longstanding deficiencies in transparency, health care, and access to counsel throughout the existing DHS detention complex will be magnified when such detention occurs at a remote military facility.

We oppose placing U.S. military and DoD civilian personnel in the legally and morally tenuous position of conducting mass migrant detention operations. Our men and women in uniform are warfighters, not jailers of migrants. We note that, despite the administration's characterizations that migrants at NS Guantánamo Bay are in DHS custody, recent public reporting and photographs have indicated that U.S. military personnel are directly handling migrants.³ The

¹ Jeff Mason, et al., *Trump to prepare facility at Guantanamo for 30,000 migrants*, Reuters (Jan. 30, 2025), <https://www.reuters.com/world/us/trump-says-he-will-instruct-homeland-security-pentagon-prepare-migrant-facility-2025-01-29/>.

² See, e.g., Press Release, Sen. Permanent Subcomm. on Investigations, Medical Mistreatment of Women in ICE Detention (Nov. 15, 2022), <https://www.hsgac.senate.gov/subcommittees/investigations/hearings/medical-mistreatment-of-women-in-ice-detention/>; Tom Dreisbach, *Government's own experts found 'barbaric' and 'negligent' conditions in ICE detention*, NPR (Aug. 16, 2023), <https://www.npr.org/2023/08/16/1190767610/ice-detention-immigration-government-inspectors-barbaric-negligent-conditions>.

³ Carol Rosenberg et al., *Some Migrants Sent by Trump to Guantánamo Are Being Held by Military Guards*, N.Y. Times (Feb. 12, 2025), <https://www.nytimes.com/2025/02/12/us/gitmo-migrants-trump.html>.

legal basis for DoD's direct participation in such migrant detention operations is unclear, and we require clarity regarding the role of U.S. military personnel in this effort. It is clear that DHS and DHS-contracted personnel are neither empowered nor equipped to carry out all aspects of the chain of custody of migrants at an overseas military outpost, whether at the Migrant Operations Center (MOC) or at the law of war detention facility operated by military personnel at a highly sensitive area of NS Guantánamo Bay.

The dramatically expanded use of U.S. military personnel and facilities to support mass detention operations overseas will divert DoD personnel and resources from its core warfighting mission. Furthermore, we oppose your decision to divert military funding from DoD's core warfighting mission through the support of DHS on a non-reimbursable basis. Reports confirm that the Department has used C-17s and C-130s to carry out multiple flights transporting migrants to NS Guantánamo Bay at a significantly greater cost than typical ICE-contracted aviation.⁴ Already, at least 700 active duty personnel have been pulled from steady state operations and training activities to provide security and carry out the expansion of the MOC.⁵ All of this comes at a time that you are reportedly directing DoD to find roughly \$50 billion in cuts.⁶ This open-ended mass detention effort on a U.S. military facility risks costing DoD hundreds of millions of unbudgeted dollars — if not billions — and thousands of man-hours which cannot be regained. It will also severely strain the limited infrastructure at NS Guantánamo Bay that service members and their families depend on, and we urge you to cease this misuse of DoD funds and personnel immediately.

We are also aware of the Department's own concerns about facility conditions at NS Guantánamo Bay, particularly at Camp 6, which is reportedly being used to house migrants.⁷ In budget documents requesting a replacement facility in fiscal years 2019 and 2020, the Department stated that "existing facilities have far exceeded their service life expectancy and are deteriorating rapidly" and that, if a new facility was not provided, "JTF-GTMO staff would continue to conduct detainee operations in an increasingly unsafe environment".⁸ As you know, a replacement facility was not authorized, funded, or constructed. Using this deteriorating facility to jail migrants poses serious human rights concerns and threatens the safety and security of active duty staff and immigration officers. And while the more than 170 people held until recently at NS Guantánamo Bay were single male adults, we are alarmed that the facility could be used to detain families.

Please provide responses to the following questions no later than March 7, 2025.

⁴ Carol Rosenberg, *A Tent City Is Rising at Guantánamo Bay*, N.Y. Times (Feb. 8, 2025), <https://www.nytimes.com/2025/02/08/us/politics/guantanamo-bay-migrants.html>; *Analysis Reveals the High Costs of Trump's Military Deportation Flights*, Wall St. J. (Feb. 13, 2025), https://www.wsj.com/video/analysis-reveals-the-high-costs-of-trumps-military-deportation-flights/7E1D26C3-16B8-4F5E-9D10-71F8588039D0?mod=business_videos_pos2.

⁵ Rosenberg, *supra* n.4.

⁶ Dan Lamothe et al., *Trump Administration Orders Pentagon to Plan for Sweeping Budget Cuts*, Washington Post (Feb. 19, 2025), <https://www.washingtonpost.com/national-security/2025/02/19/trump-pentagon-budget-cuts/>.

⁷ Hamed Aleaziz et al., *U.S. is Holding Migrants in Cells That Once Held Al Qaeda Suspects*, N.Y. Times (Feb. 5, 2025), <https://www.nytimes.com/2025/02/05/us/politics/migrants-trump-guantanamo-prison.html>.

⁸ See, e.g., FY 2020 Military Construction Project Data, U.S. Army (Mar. 1, 2019), available at <https://int.nyt.com/data/documenttools/2019-construction/655f5e59bd5a3206/full.pdf>.

1. What is the current estimated cost for DoD's support to DHS for operations at NS Guantánamo Bay?
 - a. When will DoD request reimbursement for its activities?
 - b. Please provide copies of DHS's requests for assistance to DoD regarding transportation to NS Guantánamo and operational costs at NS Guantánamo.
 - c. Please provide copies of any agreements regarding funding between DoD and DHS for all activities relating to NS Guantánamo.
 - d. Please clearly delineate the responsibilities at NS Guantánamo that DoD is not funding.
2. What is the estimated cost and timeline to increase NS Guantánamo Bay's capacity to allow housing for 30,000 individuals?
3. What is your source of funding for the ongoing expansion of the MOC at NS Guantánamo Bay?
4. What is your claimed legal basis for diverting DoD resources to support DHS operations at NS Guantánamo Bay?
5. Are any military construction or other projects being paused, delayed, or canceled as a result of the diversion of resources to DHS operations at NS Guantánamo Bay? If so, please list them.
6. Reports indicate that detaining individuals under the law of war at NS Guantánamo Bay has historically cost the Department \$13 million per year per detainee.⁹ What is the estimated cost to DoD per migrant held at NS Guantánamo Bay? Please include in this cost calculation a breakdown of costs for migrant transportation to the island, housing, security, food and provisions, and other items.
7. What unit(s) are providing troop labor, security, or other logistical or operational support for the MOC expansion?
8. What unit(s) are providing security, logistical, or operational support for the detention and removal of migrants at NS Guantánamo Bay? What services are they providing?
9. Has DoD assessed the potential impact to military readiness from the diversion of resources to the expansion of DoD facilities and diversion of troops to immigration detention at NS Guantanamo? Please provide the results of that assessment.
10. Reports indicate that military troops are guarding and providing medical care to immigrants in ICE custody at NS Guantánamo Bay. How often, and to what extent, are military personnel expected to be directly handling and interacting these individuals?
 - a. How will you ensure that these individuals' civil and human rights are protected while in the care or custody of military personnel?

⁹ Carol Rosenberg, *The Cost of Running Guantánamo Bay: \$13 Million Per Prisoner*, N.Y. Times (Sept. 16, 2019; updated Feb. 20, 2021), <https://www.nytimes.com/2019/09/16/us/politics/guantanamo-bay-cost-prison.html>.

- b. Through what methods will migrants and their representatives be permitted to submit grievances or report potential civil and human rights violations?
 - c. How will military personnel track, report, and address migrant grievances?
 - d. How will military personnel report any abuse or civil rights violations witnessed or reported to them by migrants in ICE custody?
 - e. What training has military personnel received on the rights of migrants in ICE custody?
11. Has DoD been made aware formally or informally of any plans to detain families at NS Guantánamo Bay?
12. How will DoD facilities at NS Guantánamo Bay be expanded to house sufficient DHS staff to support DHS operations at the base?
- a. How many DHS staff and contractors will be housed in DoD-constructed facilities?
 - b. What is the estimated cost of constructing such facilities and will they be reimbursed?
13. What do you view as an acceptable level of risk for active duty personnel operating at Camp 6?
14. Is DoD taking or preparing to take any steps to improve facility conditions at Camp 6?
- a. If so, under what authority, what are the estimated costs, and will they be reimbursed?
15. Do the current medical or dining facilities on NS Guantánamo Bay have capacity to support the additional service members, ICE personnel, and migrants, as well as attorneys and official press?
- a. How is the Department covering the costs of the expanded requirement and will they be reimbursed?
 - b. Which facilities are providing food to the immigrants housed at Camp 6? How many times a day are they eating only MREs?
16. To the extent DoD is, in practice, controlling the movements of and providing medical care to migrants in ICE custody, how will you ensure that migrants in ICE custody are provided with timely and adequate medical care, and to what standards will you hold active duty service members providing such care?
17. How will DoD facilities constructed or expanded at NS Guantánamo Bay account for the need for access to counsel for migrants in ICE custody?
18. Will DoD facilities constructed or expanded at NS Guantánamo Bay be used to detain vulnerable populations, including children, pregnant women, or individuals dealing with serious mental and physical health needs?
- a. How will facilities be equipped to address the particular needs of each of these populations?

19. Reports indicate that both low- and high-risk migrants have already been transported to Guantanamo Bay. How will DoD-constructed or expanded facilities at NS Guantánamo Bay account for the need to prevent commingling of migrants in ICE custody?

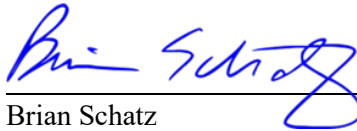
Sincerely,



Jon Ossoff



Christopher A. Coons



Brian Schatz



Chris Van Hollen

CC: The Honorable Kristi Noem, Secretary of Homeland Security, Department of Homeland Security