

MIKE ROGERS, ALABAMA, CHAIRMAN
JOE WILSON, SOUTH CAROLINA
MICHAEL R. TURNER, OHIO
DOUG LAMBORN, COLORADO
ROBERT J. WITTMAN, VIRGINIA
AUSTIN SCOTT, GEORGIA
SAM GRAVES, MISSOURI
ELISE M. STEFANIK, NEW YORK
SCOTT DESJARLAIS, TENNESSEE
TRENT KELLY, MISSISSIPPI
MIKE GALLAGHER, WISCONSIN
MATT GAETZ, FLORIDA
DON BACON, NEBRASKA
JIM BANKS, INDIANA
JACK BERGMAN, MICHIGAN
MICHAEL WALTZ, FLORIDA
LISA C. McCLAIN, MICHIGAN
RONNY JACKSON, TEXAS
PAT FALLON, TEXAS
CARLOS A. GIMENEZ, FLORIDA
NANCY MACE, SOUTH CAROLINA
BRAD FINSTAD, MINNESOTA
DALE W. STRONG, ALABAMA
MORGAN LUTTRELL, TEXAS
JENNIFER A. KIGGANS, VIRGINIA
NICK LALOTA, NEW YORK
JAMES C. MOYLAN, GUAM
MARK ALFORD, MISSOURI
CORY MILLS, FLORIDA
RICHARD McCORMICK, GEORGIA
LANCE GOODEN, TEXAS

CHRIS VIESON, STAFF DIRECTOR

COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED EIGHTEENTH CONGRESS

ADAM SMITH, WASHINGTON,
RANKING MEMBER
JOE COURTNEY, CONNECTICUT
JOHN GARAMENDI, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
RUBEN GALLEG0, ARIZONA
SETH MOULTON, MASSACHUSETTS
SALUD O. CARBAJAL, CALIFORNIA
RO KHANNA, CALIFORNIA
BILL KEATING, MASSACHUSETTS
ANDY KIM, NEW JERSEY
CHRISSY HOULAHAN, PENNSYLVANIA
ELISSA SLOTKIN, MICHIGAN
MIKE SHERRILL, NEW JERSEY
VERONICA ESCOBAR, TEXAS
JARED F. GOLDEN, MAINE
SARA JACOBS, CALIFORNIA
MARILYN STRICKLAND, WASHINGTON
PATRICK RYAN, NEW YORK
JEFF JACKSON, NORTH CAROLINA
GABE VASQUEZ, NEW MEXICO
CHRISTOPHER R. DELUZIO, PENNSYLVANIA
JILL N. TOKUDA, HAWAII
DONALD G. DAVIS, NORTH CAROLINA
JENNIFER L. McCLELLAN, VIRGINIA
TERRI A. SEWELL, ALABAMA
STEVEN HORSFORD, NEVADA
JIMMY PANETTA, CALIFORNIA
MARCA A. VEASEY, TEXAS

BRIAN GARRETT, MINORITY STAFF DIRECTOR

August 1, 2024

The Honorable Lloyd J. Austin III
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Austin:

I, along with much of our nation and Congress, are deeply shocked and angered by news that the terrorist mastermind and his associates who planned the September 11, 2001 terror attacks, which killed nearly 3000 innocent people, were offered a plea deal.¹ Tragically, the news is a “gut punch” to many of the victims’ families.²

It is unconscionable that the Biden-Harris Administration would allow such a plea deal. You, Mr. Secretary, are the Cabinet Member with ultimate oversight of the Office of Military Commissions.³ Your Department allowed a plea deal with Khalid Shaikh Mohammed and his band of killers.⁴

Deals like this give hope to terrorists throughout the world that America is not willing to hold the worst of the worst accountable for their wicked crimes. In short, this deal signals willingness to negotiate with terrorists who deliberately harm Americans.

¹ Oren Liebermann and Lauren del Valle, *US reaches plea deal with alleged 9/11 mastermind Khalid Sheikh Mohammed*, CNN, Aug. 1, 2024.

² Larry Celona, Caitlin Doombos and Chris Nesi, *9/11 mastermind KSM and two other terrorists awaiting trial on Guantánamo Bay strike plea deals*, NEW YORK POST, Jul. 31, 2024.

³ Office of Military Commissions, *Organization Overview*, available at <https://www.mc.mil/About-Us/Organization-Overview>.

⁴ Carol Rosenberg, *Accused Sept. 11 Plotters Agree to Plead Guilty at Guantánamo Bay*, THE NEW YORK TIMES, Jul. 21, 2024.

To that end, please provide the following to the House Armed Services Committee by August 23, 2024:

- 1) All documents and communications containing terms, conditions, agreements, side-deals, or any mutually developed, related, conditional, or linked agreements with any party relating to terms and conditions of the plea agreements reached with terrorists Khalid Shaikh Mohammed, Walid Muhammad Salih Mubarak Bin Attash, and Mustafa Ahmed Adam al Hawsawi;
- 2) Unaltered and complete copies of plea agreements offered to the terrorists identified in (1);
- 3) All documents and communications regarding the effectuation of any military commission sentencing outcome created, modified, or altered since January 20, 2021, including those regarding a convicted person serving a period of confinement outside of Guantanamo Bay, Cuba;
- 4) All documents and communications concerning or among officials in the Biden-Harris Administration concerning the foregoing plea deal;
- 5) All documents and communications associated with or presented to the terrorists as part of the foregoing plea deal; and,
- 6) All documents and communications related to discussions or plans related to the Biden-Harris Administration's plans to repatriate terrorists held at Guantanamo Bay, ongoing or contemplated prosecution plea deals with other Guantanamo Bay detainees, and any strategy, policy guidance, or other plans to permanently close Guantanamo Bay detention facilities.

Thank you for your immediate attention to this request. The Committee on Armed Services, under Rule X, clause 1 of the Rules of the House of Representatives ("House Rules"), maintains oversight jurisdiction over the Department of Defense generally. Moreover, under the House Rules, the Committee on Armed Services derives its authority to conduct oversight from, among other things, clause 2(b)(1) of Rule X (relating to general oversight responsibilities), clause 3(b) of Rule X (relating to special oversight functions), and clause 1(b) of rule XI (relating to investigations and studies).

Sincerely,



Mike Rogers
Chairman
Committee on Armed Services

cc: The Honorable Adam Smith
Ranking Member
Committee on Armed Services