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COMMITTEE ON
VETERANS' AFFAIRS
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OVERSIGHT AND INVESTIGATIONS
ECONOMIC OPPORTUNITY

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March 7, 2017

The Honorable John Kelly
Secretary
U.S. Department of Homeland Security
300 7th Street SW
Washington, D.C. 20024

Dear Secretary Kelly:

Yesterday, the White House released a new Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States," revising a previous Executive Order with the same title that had been announced on January 27, 2017. As you know, on February 3, 2017, a federal court issued a temporary restraining order (TRO) preventing the enforcement of five specific sections of the original Executive Order: Section 3(c), which prohibited entry to the U.S. for individuals from the seven countries specified in the Executive Order; Section 5(a), which suspended the U.S. Refugee Admissions Program (USRAP) for 120 days; Section 5(b), which, upon resumption of USRAP admissions, directed authorities to prioritize resettlement of persecuted religious minorities; Section 5(c), which indefinitely suspended admission of Syrian refugees to the U.S.; and Section 5(e), which authorized the Secretaries of State and Homeland Security to admit certain refugees on a case-by-case basis, including persecuted religious minorities.

However, as you are aware, several provisions of the original Executive Order were not subject to the TRO. I write to request an update on any efforts that have been undertaken pursuant to the following sections of the original Executive Order:

- **Section 3(a) and Section 3(b)** – Section 3(a) directed you, in consultation with the Secretary of State and the Director of National Intelligence (DNI), to "immediately



conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit...in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.” Section 3(b) directs you, within 30 days of the date of the original Executive Order, to report to the President on the results of that review, including your “determination of the information needed for adjudications and a list of countries that do not provide adequate information.” **Was that report submitted to the President by February 26, 2017, as required by the original Executive Order? If so, will a copy be provided to the House Committee on Homeland Security? If the report has not been submitted, has this review been initiated and is it still underway?**

- **Section 4** – Section 4(a) directed the Secretaries of State and Homeland Security, the DNI, and the Director of the Federal Bureau of Investigation (FBI) to develop a “uniform screening standard and procedure” for all immigration programs in order to prevent the entry of individuals who seek to do harm upon arriving in the U.S. Section 4(b) directed you, in consultation with the Secretary of State, the DNI, and the Director of the FBI, to report to the President on the progress of this directive within 60 days of the date of the original Executive Order, again within 100 days, and again within 200 days. **Have you and your counterparts begun the process of developing this uniform screening standard and procedure? Is the first report on schedule to be submitted to the President by March 28, 2017, as required by the original Executive Order? If so, will this report and the subsequent two reports be provided to the House Committee on Homeland Security?**
- **Section 5(g)** – Section 5(g) stated that: “It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement” of refugees in their jurisdictions. Section 5(g) further directed you to examine existing law to determine the extent to which State and local jurisdictions can be more involved in the refugee resettlement process, and to “devise a proposal to lawfully promote such involvement.” **Has DHS completed this review? If so, will the results of this review be provided to the House Committee on Homeland Security? If the results will be provided to the Committee, when can we expect to receive them?**
- **Section 10** – Section 10 directed you, in consultation with the Attorney General, to collect and make publicly available, within 180 days of the date of the original Executive Order and every 180 days thereafter, information regarding: the number of foreign nationals in the U.S. who have been charged with or convicted of terrorism-related offenses while in the U.S., or have been removed from the U.S. because of terrorism-related activities or other national security concerns; the number of foreign nationals who

have been radicalized after entry to the U.S. and engaged in or supported terrorism-related acts or organizations; the number and types of acts of gender-based violence against women, including honor killings, in the United States committed by foreign nationals; and any other information that you and the Attorney General deem important to public safety and security. **Have you and the Attorney General begun the process of collecting this information?**

The administration has maintained that they must suspend refugee resettlements and travel from certain countries in order to review and strengthen vetting procedures. While I believe that our current exhaustive vetting and screening procedures are effective, particularly for refugees, I recognize that our processes are never perfect and we should always be looking for ways to improve them. Since the provisions of the original Executive Order outlined above were not affected by the TRO, I assume that DHS and other relevant agencies have already begun to follow these directives – if not, it would suggest that the administration did nothing for 39 days to examine and improve vetting and screening procedures, which would call into question the administration’s stated purpose for issuing this Executive Order.

I respectfully request that you provide prompt answers to the questions listed above, as well as an update on any efforts taken or progress made pursuant to any other provisions of the original Executive Order that were not affected by the TRO.

Sincerely,



KATHLEEN M. RICE

Member of Congress