

Congress of the United States
House of Representatives
Washington, DC 20515-0552

February 1, 2017

The Honorable Gene Dodaro
Comptroller General of the United States
The Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro,

On January 27, 2017, President Trump signed an Executive Order Entitled, "Protecting the Nation From Foreign Terrorist Entry Into the United States." This order banned entry to the US for individuals from seven Muslim-majority countries, while preserving an exemption for "religious minorities." Initially, the order was determined even to bar Green Card holders returning home to their country of permanent residence. We are deeply disturbed that this order may represent unconstitutional discrimination based on religion and national origin, and fails to distinguish between the millions of innocent and peaceful travelers and the small but determined number of suspected terrorists who threaten our national security. The order provides no exception for those who risked their lives to assist US military and intelligence personnel in our efforts to fight terrorism. Moreover, the order will undoubtedly be used as a rallying cry for our enemies and will undermine our efforts to defeat terrorism abroad.

The rushed nature of these orders raises serious questions about the White House's intentions in drafting and signing these orders. Further, the resulting chaos and confusion concerning who the order applied to led to the detention of an unknown number of travelers, and, ultimately, orders issued by five federal judges granting immediate stays of portions of the Executive Order.

There are many important questions to be answered regarding the Order's intent, its constitutionality, and its wisdom. While Federal courts work to answer these questions, we believe that it is important to establish a factual record for the genesis of this Executive Order. For that reason, we request that you immediately review and report back to Congress on the circumstances surrounding and process through which the Executive Order was drafted, evaluated, and signed. Your review should be comprehensive, but should include, in particular, the following:

1. What input, if any, was solicited from Federal agencies—including the Department of Justice—when the Executive Order entitled, "Protecting the Nation From Foreign Terrorist Entry Into the United States," was being drafted?

2. How much time were Federal agencies given to review the Executive Order before it was signed?
3. What legal analysis of the Executive Order was provided to the White House, by either the Department of Justice, Office of Legal Counsel, or any other agency General Counsels prior to its signing by the President? How does this analysis compare to Executive Orders issued by the past two administrations?
4. To what extent was the Executive Order reviewed for its consistency with current law and for its practical implementability?
5. How does the average amount of time that agencies, including the Office of Legal Counsel, were given to review the Executive Order compare with the average amount of time take for review by the previous two administrations?
6. What, if any, guidance was offered to the Department of Homeland Security with respect to implementing the Executive Order?

Additionally, the report should include all relevant communications between the White House and applicable agencies. We request the results of your analysis be provided in unclassified form.

Sincerely,

Scott H. Peters
Member of Congress





John Conyers Member of Congress	Maxine Waters Member of Congress	Bobby Scott Member of Congress	Linda Sanchez Member of Congress

John Yarmuth Member of Congress	Frank Pallone, Jr. Member of Congress	Tim Watz Member of Congress	Nydia Velazquez Member of Congress

Judy Chu Member of Congress	Gerald E. Connolly Member of Congress	Keith Ellison Member of Congress	Michelle Lujan Grisham Member of Congress

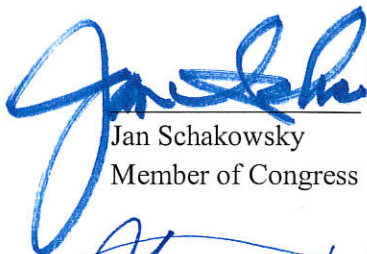
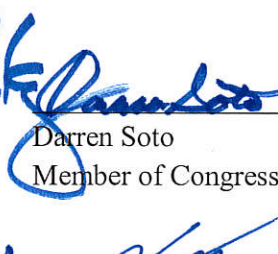
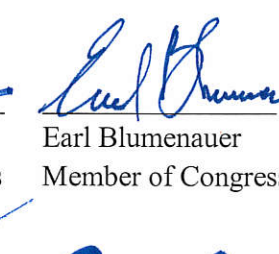

			
Ben Ray Lujan Member of Congress	Seth Moulton Member of Congress	Danny K. Davis Member of Congress	Katherine Clark Member of Congress

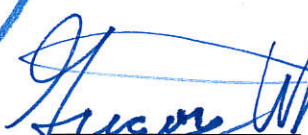



			
Donald S. Beyer Member of Congress	Ted W. Lieu Member of Congress	Carol Shea-Porter Member of Congress	Mark Takano Member of Congress

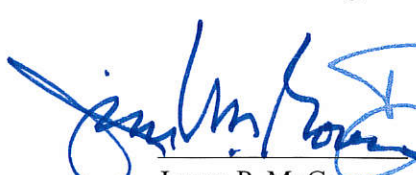
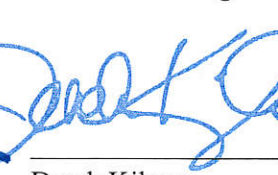
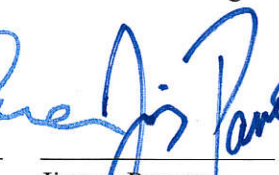
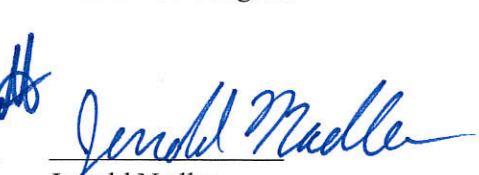
			
Robert A. Brady Member of Congress	Jamie Raskin Member of Congress	Juan Vargas Member of Congress	Lisa Blunt Rochester Member of Congress

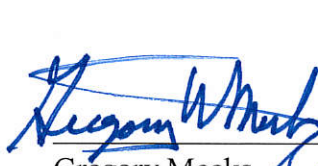
			
John K. Delaney Member of Congress	Steve Cohen Member of Congress	Andre' Carson Member of Congress	Debbie Dingell Member of Congress

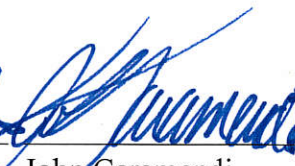
			
Susan Davis Member of Congress	Tulsi Gabbard Member of Congress	Kathy Castor Member of Congress	Brian Higgins Member of Congress

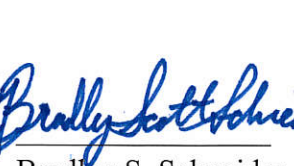
			
Jan Schakowsky Member of Congress	Darren Soto Member of Congress	Earl Blumenauer Member of Congress	Marcy Kaptur Member of Congress


			
Gregory Meeks Member of Congress	John Garamendi Member of Congress	Bradley S. Schneider Member of Congress	Chellie Pingree Member of Congress

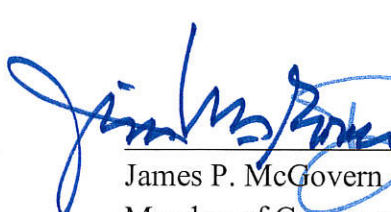
			
James P. McGovern Member of Congress	Derek Kilmer Member of Congress	Jimmy Panetta Member of Congress	Jerrold Nadler Member of Congress

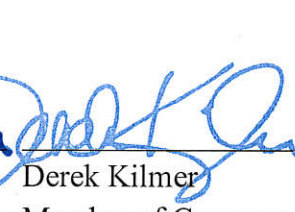

Gregory Meeks
Member of Congress

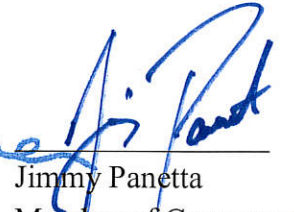

John Garamendi
Member of Congress

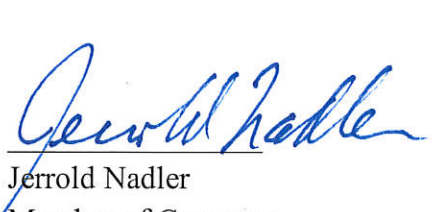

Bradley S. Schneider
Member of Congress



Chellie Pingree
Member of Congress

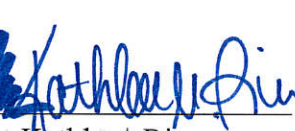

James P. McGovern
Member of Congress



Derek Kilmer
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Jimmy Panetta
Member of Congress


Jerrold Nadler
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Kathleen Rice
Member of Congress


Carolyn Maloney
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Bonnie Watson Coleman
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Ron Kind
Member of Congress



Donald Norcross
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Mike Doyle
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Nanette Diaz Barragan
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Hakeem Jeffries
Member of Congress

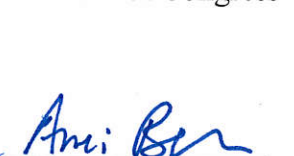

Paul D. Tonko
Member of Congress

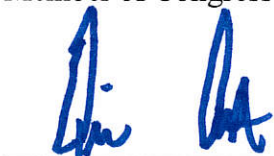

Eric Swalwell
Member of Congress

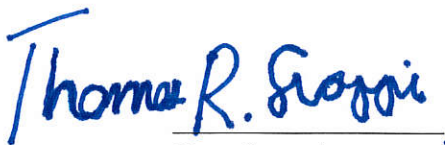

Emanuel Cleaver, II
Member of Congress

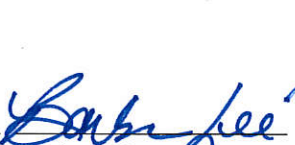

Alcee L. Hastings
Member of Congress

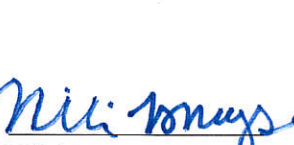

Mike Thompson
Member of Congress



Ami Bera, M.D.
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Jim Costa
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Grace F. Napolitano

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