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,

[Signature]

Scott H. Peters
Member of Congress

[Signatures of other members of Congress]
Josh Gottheimer  Marc Veasey  Grace F. Napolitano  Mark DeSaulnier
Member of Congress  Member of Congress  Member of Congress  Member of Congress

José E. Serrano  Raúl M. Grijalva
Member of Congress  Member of Congress