



**One Hundred Seventeenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515**

February 2, 2021

The Honorable Joe Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden:

I am writing to request additional information about Presidential Proclamation 10141, which I am concerned is having unanticipated consequences on vetting operations led by the Department of Homeland Security (DHS). I strongly encourage the administration to ensure its decision to revoke Executive Order 13780 and Proclamations 9645, 9723, and 9983 do not create a security gap in vetting while it completes its review.

I also encourage the administration to approach its review objectively, and to examine the wealth of information produced by the respective Departments of the national security interagency in response to the now-revoked executive actions that addressed legitimate and persistent homeland security threats. We should not discard improvements made to the vetting of foreign nationals over the last few years but building on that progress instead.

The countries subject to the revised executive actions under the Trump Administration were added for a specific reason, including those prevented by Congress from participating in the Visa Waiver Program, designated as State Sponsors of Terrorism, or determined to be countries of concern for travel purposes by the Obama Administration and subsequently the Trump Administration. The list of countries included ones identified by DHS as not providing adequate information to satisfy vetting requirements, even after State Department engagement.

The restrictions under the Trump Administration were not static, as some countries later met the information sharing requirements and were removed from the list.

Proclamation 10141 calls for a report to the President with 120 days describing the landscape of screening and vetting procedures for those seeking immigrant and nonimmigrant entry into the United States, including procedures revoked from the issuance of this proclamation. This implies that the administration has decided to revoke screening and vetting procedures, and then later study

whether the revoked tools are effective. This confusing process, I fear, places politics ahead of national security.

To fully assess the national security consequences of Proclamation 10141, I request the following in writing by February 15, 2021:

1. A detailed list of changes made to agency operations including vetting, screening, and any other programs that resulted from revoking Executive Order 13780 and Proclamations 9645, 9723, and 9983.
2. An accounting of the actions taken by agencies as a result of Proclamation 10141.
3. The justification – including factors considered and material evidence – in the determination to revoke Executive Order 13780 and Proclamations 9645, 9723, and 9983, and an explanation of how exactly those executive actions “undermined our national security.”
4. An explanation of whether vetting standards for foreign nationals from Burma, Eritrea, Iran, Kyrgyzstan, Libya, Nigeria, North Korea, Somalia, Sudan, Syria, Tanzania, Venezuela, and Yemen that were previously subject to Executive Order 13780 and Proclamations 9645, 9723, and 9983 will be lower than the countries not subject to the restrictions who chose to cooperate with information sharing requests from our national security interagency.
5. All information received by the Biden Administration from the countries of Burma, Eritrea, Iran, Kyrgyzstan, Libya, Nigeria, North Korea, Somalia, Sudan, Syria, Tanzania, Venezuela, and Yemen to satisfy information-sharing gaps identified by the national security interagency under the Trump Administration.
6. The impact Proclamation 10141 is having on the classified “critical national security enhancements implemented and effectuated as a result of Executive Order 13780,” mentioned by DHS and the Department of Justice in their January 2018 joint report required by Executive Order 13780.
7. The impact Proclamation 10141 is having on the requirement that all applicants seeking an immigration benefit, including nonimmigrant visas, undergo a baseline uniform national security and public safety interview – implemented in response to Executive Order 13780.
8. The impact that Proclamation 10141 is having on security checks and screening programs improved by the Trump Administration to review applicants for public safety and organized crime purposes.

I encourage you to provide the requested information expeditiously so the national security implications of such actions can be quickly assessed.

Thank you for your attention to this matter. Should you or your staff have any questions, please do not hesitate to reach out to Kyle Klein on the Committee staff at (202) 226-8417.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Katko". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

JOHN KATKO
Ranking Member

cc:

The Honorable Bennie G. Thompson
Chairman, Committee on Homeland Security