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## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

September 20, 2019

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street N.W.  
Washington, D.C. 20520

The Honorable Kevin McAleenan  
Acting Secretary of Homeland Security  
U.S. Department of Homeland Security  
Nebraska Avenue Complex  
3801 Nebraska Avenue, N.W.  
Washington, D.C. 20528

Dear Secretaries Pompeo and McAleenan:

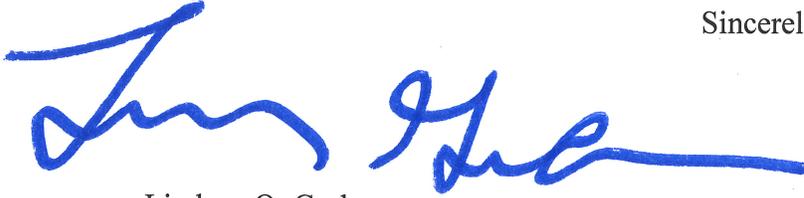
We write to you today regarding the statutorily required refugee consultation process. As you are aware, federal law requires a Cabinet level designee of the President to consult with the Chairs and Ranking Members of the House and Senate Judiciary Committees before the President can set the annual refugee admission ceiling for the coming fiscal year. The end of this fiscal year is fast approaching, and there has been very limited communication to coordinate consultation.

The law requires the annual consultation include not only “discussions in person . . . to review the refugee situation or emergency refugee situation,” but also the submission of a report before the annual consultation discussing the number of refugees who will need to be resettled in the coming year and the anticipated allocation of refugee admissions. Information required in this report should be provided at least two weeks in advance of the in person discussions. This is important because it gives the Chairs and Ranking Members of the Committees of Jurisdiction ample time to review the administration’s findings allowing for meaningful engagement regarding our nation’s refugee admission policies. To further promote this goal, the law requires the President or his designee to also provide “periodic discussions” regarding the changes in the worldwide refugee situation and the progress of refugee admissions.

Unfortunately, over the last decade the annual consultation process and the periodic updates required by law have increasingly become pro-forma. To be clear—and fair—this is not a new problem unique to any particular administration. The Executive Branch has failed to engage in a meaningful and appropriate consultation with Congressional leaders for decades, suggesting this problem is a systemic one. The Executive Branch simply cannot continue to repeat these mistakes and must take steps to ensure that the consultation process is both consistent with federal law and meaningful.

Thank you in advance for your attention to this matter. We look forward to hearing from you very soon to coordinate appropriate and meaningful consultation. If you have any questions, please do not hesitate to contact either Katherine Nikas with Chairman Graham at 202-224-5225 or Sunil Varghese with Ranking Member Feinstein at 202-224-9480.

Sincerely,



Lindsey O. Graham  
Chairman  
Senate Judiciary Committee



Dianne Feinstein  
Ranking Member  
Senate Judiciary Committee