



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

January 31, 2018

Ian Bassin
Executive Director
The Protect Democracy Project
FOIA.protectdemocracy@gmail.com

**Re: FOIA No. FY17-135;
Protect Democracy Project v. DOJ, No. 1:17-cv-815 (D.D.C.)**

Dear Mr. Bassin:

This letter partially responds to your February 15, 2017 Freedom of Information Act (“FOIA”) request in which you sought five categories of “records created between January 20, 2017 and the present” regarding Executive Order 13769. As you know, the request is also the subject of the above-captioned litigation.

Since the last partial response, we have processed 492 pages of responsive records. We have enclosed 93 pages of responsive records, with material redacted as exempt from disclosure pursuant to FOIA Exemption Five, 5 U.S.C. § 552(b)(5), and pursuant to FOIA Exemption Six, 5 U.S.C. § 552(b)(6). For your information, Exemption Five exempts material protected by the attorney-client, deliberative process, and presidential communications privileges, as well as the attorney work product doctrine and other privileges. Exemption Six exempts material the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. We have withheld the remaining 399 pages in full pursuant to Exemption Five, and in part pursuant to Exemption Six. We have determined that none of the withheld material is appropriate for discretionary release. We are continuing to process responsive records.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact Matthew Berns of the Civil Division, Federal Programs Branch, at 202-616-8016, for any further assistance and to discuss any aspect of your requests. Additionally, you may contact the Office of Government Information Services (“OGIS”) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Although your requests are the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Paul P. Colborn
Special Counsel

Enclosures

cc: Matthew Berns, Trial Attorney
Civil Division, Federal Programs Branch

(b) (6)

From: (b) (6)
Sent: Thursday, January 26, 2017 1:41 PM
To: Hart, Rosemary (OLC)
Subject: RE: Update on today and some observations

Thank you!

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 1:39 PM
To: (b) (6) <(b) (6)>
Subject: FW: Update on today and some observations

This is what I got from Scott about an hour ago.

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 12:14 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>
Cc: Stewart, Scott (OLC) <(b) (6)>
Subject: Update on today and some observations

John just called to say that (b) (5)

As for the documents for tomorrow: We have been reviewing the five for tomorrow (immigration EO about terrorists plus four (b) (5) -related EOs). (b) (5)

I have three observations, some of which may call for action today. (b) (5)

(b) (5)

(b) (5)

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 2:26 PM
To: Hart, Rosemary (OLC)
Subject: FW: EO on (b) (5)
Attachments: (b) (5) EO (25 Jan 929pm)+ OLC (1 26 2017).docx

Just sent the immigration EO, so all five for tomorrow are (b) (5)

(b) (5)

(b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 2:32 PM
To: Stewart, Scott (OLC)
Subject: Re: EO on (b) (5)

Great! Thanks.

> On Jan 26, 2017, at 2:25 PM, Stewart, Scott (OLC) <(b) (6)> wrote:

>

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Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 3:19 PM
To: Hart, Rosemary (OLC)
Subject: FW: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)
Attachments: (b) (5) EO (26 Jan 258pm) (WCHO + OLC).docx

-----Original Message-----

(b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 3:20 PM
To: (b) (6) (OLC)
Subject: FW: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)
Attachments: (b) (5) EO (26 Jan 258pm) (WCHO + OLC).docx

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 3:19 PM

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Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 3:27 PM
To: Gannon, Curtis E. (OLC)
Subject: RE: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

Got it.

-----Original Message-----

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 3:23 PM
To: Hart, Rosemary (OLC) <(b) (6)>
Subject: RE: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

Rosemary, I walked off with the hard copy you printed of (b) (6)'s F&L paperwork. I don't need to you take it back, but just wanted you to know you needed to reprint it.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 3:12 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>
Subject: FW: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

See below. This is the first I've heard that (b) (5). I will need alert them (b) (5).

-----Original Message-----

(b) (5)

(b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 3:54 PM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC); (b) (6) (OLC)
Cc: (b) (6)
Subject: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)
Attachments: EO Form and Legality -- Protecting the Nation (003) (1 26 2017).docx

I've (b) (5) [REDACTED]
[REDACTED], and also tweaked things here and there.

Would appreciate review and comments asap.

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 4:00 PM
To: (b) (6) Gannon, Curtis E. (OLC); Stewart, Scott (OLC); (b) (6) (OLC)
Subject: RE: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)

Got it.

And I switched (b) (5) [REDACTED]

From: (b) (6)
Sent: Thursday, January 26, 2017 3:59 PM
To: Hart, Rosemary (OLC) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)>
Stewart, Scott (OLC) <(b) (6)> (b) (6) (OLC) <(b) (6)>
Subject: RE: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)

Looks great. Two nits:

--Add a second section symbol in [REDACTED] (b) (5)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 3:54 PM

duplicate

Gannon, Curtis E. (OLC)

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 4:01 PM
To: (b) (6) (OLC); (b) (6)
Subject: RE: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)

Thank you both for the quick turnaround!

From: (b) (6) (OLC)
Sent: Thursday, January 26, 2017 4:01 PM
To: (b) (6) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: RE: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)

It otherwise looks good to me.

From: (b) (6)
Sent: Thursday, January 26, 2017 4:00 PM
To: Hart, Rosemary (OLC) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>; (b) (6) (OLC) <(b) (6)>
Subject: RE: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)

Hit send too soon. Here are my suggestions:

Add a second section symbol in (b) (5) citation; and
In first sentence of the last substantive paragraph, add a comma after (b) (5)
(b) (5)

From: (b) (6)
Sent: Thursday, January 26, 2017 3:59 PM

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duplicate

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 4:04 PM
To: Hart, Rosemary (OLC); Gannon, Curtis E. (OLC)
Subject: RE: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

(b) (5)

So we'll see. I'll stand ready.

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 3:48 PM
To: Stewart, Scott (OLC) <(b) (6)> Gannon, Curtis E. (OLC)
<(b) (6)>
Subject: RE: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

agree

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 3:46 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>
Subject: FW: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

FYI. (b) (5)

-----Original Message-----

(b) (5)

(b) (5)

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Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 4:04 PM
To: (b) (6) (OLC); Gannon, Curtis E. (OLC)
Cc: (b) (6); Stewart, Scott (OLC)
Subject: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)
Attachments: EO Form and Legality -- Protecting the Nation (003) (1 26 2017).docx

With (b) (6)'s and Scott's edits.

Gannon, Curtis E. (OLC)

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 4:05 PM
To: Stewart, Scott (OLC)
Subject: RE: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

I have a couple of non-substantive nits. Could Bash call me at (b) (6)

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 4:04 PM

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duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 4:22 PM
To: Gannon, Curtis E. (OLC)
Subject: RE: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)

We use them. I will add to (b) (5). Let me know when you have your mark-up and I'll come down to get it.

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 4:16 PM
To: Hart, Rosemary (OLC) <(b) (6)>
Subject: RE: EO Form and Legality -- Protecting the Nation (003) (1 26 2017)

Do we use quotation marks around parenthetical acronym definitions? (b) (5) .)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 4:04 PM

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Gannon, Curtis E. (OLC)

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 4:24 PM
To: Stewart, Scott (OLC); Hart, Rosemary (OLC)
Subject: RE: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

He called me. I said we'd need a clean copy back.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 4:23 PM
To: Hart, Rosemary (OLC) <(b) (6)>; Gannon, Curtis E. (OLC) <>
Subject: RE: (b) (5) EO (26 Jan 258pm) (WCHO + OLC)

Curtis, I'm presuming Bash called you a bit ago re nits. Still no word on any further version or action from the WH.

-----Original Message-----

From: Hart, Rosemary (OLC)

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Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 5:20 PM
To: Gannon, Curtis E. (OLC); Hart, Rosemary (OLC)
Cc: Stewart, Scott (OLC)
Subject: RE: Confirmation on next steps
Attachments: Redline of (b) (5).DOCX; Redline of (b) (5).DOCX; Redline of (b) (5).docx

Attached are the redlines of the three purportedly definite national-security memoranda for tomorrow. On quick look, the edits do not look extensive.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 5:06 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>
Subject: FW: Confirmation on next steps

Rosemary -- could you please also send me our last (b) (5) turn, and I'll create redlines for the three "definites," as John describes them.

-----Original Message-----

(b) (5)

(b) (5)

(b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 5:29 PM
To: (b) (6) (OLC); (b) (6) (OLC); (b) (6) (OLC)
Cc: (b) (6)
Subject: IMPORTANT: POTUS docs for Friday -- ANOTHER CHANGE IN PLANS
Attachments: Redline of (b) (5).DOCX; Redline of (b) (5).DOCX; Redline of (b) (5).docx
Importance: High

All: Sorry for the starts and stops over the past 2 days.

(b) (5)

(b) (5)

They are all PMs, so don't need F&L, but we still need to do another read-through. Scott has prepared these redlines, which reflect (b) (5) comments made since we saw these last Saturday. On a quick look, (b) (5).

Please review as soon as you can.

I don't have any information on the (b) (5) EOs that we'd been told are on for tomorrow. That's on hold right now.

Thanks,
Rosemary

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 5:49 PM
To: (b) (6)
Subject: RE: Confirmation on next steps

Thanks!

-----Original Message-----

From: (b) (6)
Sent: Thursday, January 26, 2017 5:49 PM
To: Hart, Rosemary (OLC) <(b) (6)>
Subject: RE: Confirmation on next steps

Thanks very much, Rosemary. I'm headed for the train in about ten minutes but will remain available.

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 5:46 PM
To: (b) (6) <(b) (6)>
Subject: FW: Confirmation on next steps

FYI

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 5:45 PM
To: Stewart, Scott (OLC) <(b) (6)>
Cc: Gannon, Curtis E. (OLC) <(b) (6)>
Subject: RE: Confirmation on next steps

They already did the F&Ls for the (b) (5) EOs (pending changes by WH), so we are in good shape for those.

I'll let them know that the (b) (5) ones are off the table for Friday as far as we know, but we'll let them know asap if that changes.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 5:41 PM
To: Hart, Rosemary (OLC) <(b) (6)>
Cc: Gannon, Curtis E. (OLC) <(b) (6)>
Subject: FW: Confirmation on next steps

John just called to confirm (b) (5). I'm not sure whether to go with that. Rosemary, would it make sense for folks on the (b) (5) related EOs to start preparing F&L

would it make sense for folks on the (b) (5) -related EOs to start preparing FOI paperwork with the goal of finishing it by mid-morning tomorrow? (If anyone on a (b) (5) one has a national-security one, we'd keep that person working on the national-security one, though.) You're closer to our resources than I am, and I invite your views on what is best. I know that it's tricky because we still don't have great information. But, as discussed at different times today, I don't want to act in a way that will needlessly sap morale or the resources needed to handle the priority EOs and to do the job right. So maybe we can discuss.

-----Original Message-----

(b) (5)

-----Original Message-----

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duplicate

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Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 5:55 PM
To: Stewart, Scott (OLC)
Cc: Gannon, Curtis E. (OLC)
Subject: RE: (b) (5) EO

OK.

(b) (5) ?

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 5:51 PM
To: Hart, Rosemary (OLC) <(b) (6)>
Cc: Gannon, Curtis E. (OLC) <(b) (6)>
Subject: FW: (b) (5) EO

-----Original Message-----

(b) (5)

Gannon, Curtis E. (OLC)

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 6:23 PM
To: Hart, Rosemary (OLC); Stewart, Scott (OLC)
Subject: RE: (b) (5) EO

WHAT IF I SEND SOMETHING LIKE THIS? COMMENTS?

(b) (5)

[Redacted]

(b) (5)

[Redacted]

-----Original Message-----

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 6:29 PM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC)
Subject: RE: (b) (5) EO

Looks good. I have made some small suggestions.....

-----Original Message-----

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 6:23 PM
To: Hart, Rosemary (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: RE: (b) (5) EO

WHAT IF I SEND SOMETHING LIKE THIS? COMMENTS?

(b) (5)

[Redacted]

(b) (5)

[Redacted]

duplicate

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 6:38 PM
To: Stewart, Scott (OLC); Gannon, Curtis E. (OLC); Stewart, Scott (OLC)
Subject: RE: (b) (5) EO

I like it.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 6:35 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Hart, Rosemary (OLC)
<(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: RE: (b) (5) EO

Curtis, as discussed, a proposed first sentence: (b) (5)

-----Original Message-----

From: Gannon, Curtis E. (OLC) [mailto:(b) (6)]
Sent: Thursday, January 26, 2017 6:31 PM
To: Hart, Rosemary (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: RE: (b) (5) EO

This includes Rosemary's changes to paragraph 2, and corrects the second parenthetical in paragraph 1.

-----Original Message-----

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 6:22 PM
To: Hart, Rosemary (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: RE: (b) (5) EO

(b) (5)

(b) (5)

(b) (5)

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Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 8:07 PM
To: Stewart, Scott (OLC); Gannon, Curtis E. (OLC)
Subject: RE: (b) (5) EO

(b) (5)

[Redacted]

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Thursday, January 26, 2017 7:52 PM
To: Hart, Rosemary (OLC) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)>
Subject: RE: (b) (5) EO

Rosemary's points sound right to me. One further observation: (b) (5)

[Redacted]

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 7:43 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: FW: (b) (5) EO

(b) (5)

[Redacted]

-----Original Message-----

(b) (5)

(b) (5)

-----Original Message-----

duplicate

duplicate

Gannon, Curtis E. (OLC)

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 8:22 PM
To: Hart, Rosemary (OLC); Stewart, Scott (OLC)
Subject: RE: (b) (5) EO

So, how about this as a response?

(b) (5)

[Redacted]

[Redacted]

[Redacted]

-----Original Message-----

duplicate

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Thursday, January 26, 2017 8:25 PM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC)
Subject: RE: (b) (5) EO

Looks good. A couple of nits.

-----Original Message-----

From: Gannon, Curtis E. (OLC)
Sent: Thursday, January 26, 2017 8:22 PM
To: Hart, Rosemary (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: RE: (b) (5) EO

So, how about this as a response?

(b) (5)

[Redacted]

[Redacted]

[Redacted]

-----Original Message-----

duplicate

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:07 AM
To: Stewart, Scott (OLC); Gannon, Curtis E. (OLC)
Cc: Stewart, Scott (OLC)
Subject: RE: [REDACTED] (b) (5) -- FINAL

thanks

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 10:06 AM
To: Hart, Rosemary (OLC) <[REDACTED] (b) (6)> Gannon, Curtis E. (OLC) <[REDACTED] (b) (6)>
Cc: Stewart, Scott (OLC) <[REDACTED] (b) (6)>
Subject: RE: [REDACTED] (b) (5) -- FINAL

Just got it a couple minutes ago. I'll send it, with a redline, momentarily.

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 9:56 AM
To: Stewart, Scott (OLC) <[REDACTED] (b) (6)> Gannon, Curtis E. (OLC) <[REDACTED] (b) (6)>
Cc: Stewart, Scott (OLC) <[REDACTED] (b) (6)>
Subject: RE: [REDACTED] (b) (5) -- FINAL

Do we have a final yet for Protecting the Nation? I heard radio reports on this today, with a lot of detail.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 9:52 AM
To: Gannon, Curtis E. (OLC) <[REDACTED] (b) (6)>
Cc: Hart, Rosemary (OLC) <[REDACTED] (b) (6)> Stewart, Scott (OLC) <[REDACTED] (b) (6)>
Subject: FW: [REDACTED] (b) (5) -- FINAL

Curtis -- attached is the clean, purportedly final version of [REDACTED] (b) (5). I've also attached a redline showing changes from our last turn. We've been reviewing and will do the same as the others arrive.

-----Original Message-----

[REDACTED] (b) (5)

(b) (5)

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 10:08 AM
To: Hart, Rosemary (OLC)
Cc: Gannon, Curtis E. (OLC); Stewart, Scott (OLC)
Subject: FW: (b) (5) EO -- FINAL
Attachments: 170127 - (b) (5)docx;
Redline of latest (b) (5) ..docx

Here is the latest Protecting the Nation EO. I've also attached a redline that should compare this version to the one we last sent over.

-----Original Message-----

(b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:29 AM
To: (b) (6) : (OLC)
Subject: FW: (b) (5) : EO -- FINAL
Attachments: 170127 - (b) (5)docx;
Redline of latest (b) (5) ..docx

This is still in flux, but here is the latest we have.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 10:08 AM

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:29 AM
To: Stewart, Scott (OLC)
Cc: Gannon, Curtis E. (OLC)
Subject: RE: URGENT : [REDACTED] (b) (5) -- New Language

OK.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 10:28 AM
To: Hart, Rosemary (OLC) <[REDACTED] (b) (6)>
Cc: Gannon, Curtis E. (OLC) <[REDACTED] (b) (6)>
Subject: RE: URGENT : [REDACTED] (b) (5) -- New Language

I got a follow-up phone call from Bash about this that we can all discuss in a few minutes.

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:27 AM
To: Stewart, Scott (OLC) <[REDACTED] (b) (6)>
Cc: Gannon, Curtis E. (OLC) <[REDACTED] (b) (6)>
Subject: RE: URGENT : [REDACTED] (b) (5) -- New Language

[REDACTED] (b) (5)
[REDACTED]
[REDACTED].

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 10:22 AM
To: Hart, Rosemary (OLC) <[REDACTED] (b) (6)>
Cc: Gannon, Curtis E. (OLC) <[REDACTED] (b) (6)>
Subject: FW: URGENT : [REDACTED] (b) (5) -- New Language
Importance: High

Looping in Rosemary.

-----Original Message-----

[REDACTED] (b) (5)

(b) (5)

(b) (6) (OLC)

From: (b) (6) (OLC)
Sent: Friday, January 27, 2017 10:53 AM
To: Hart, Rosemary (OLC)
Subject: RE: (b) (5) EO -- FINAL

(b) (5)

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:29 AM

duplicate

duplicate

(b) (6) (OLC)

From: (b) (6) (OLC)
Sent: Friday, January 27, 2017 10:55 AM
To: Hart, Rosemary (OLC)
Subject: RE: Immigration EO Comments

Those that not OBE seem fine to me.

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:49 AM
To: (b) (6) (OLC) <(b) (6)>
Subject: FW: Immigration EO Comments

See (b) (5).

From: Gannon, Curtis E. (OLC)
Sent: Friday, January 27, 2017 10:47 AM
To: Hart, Rosemary (OLC) <(b) (6)>; Stewart, Scott (OLC) <(b) (6)>
Cc: Koffsky, Daniel L (OLC) <(b) (6)>
Subject: FW: Immigration EO Comments

FYI -- I haven't looked at this or responded to it.

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:55 AM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC)
Cc: Koffsky, Daniel L (OLC)
Subject: RE: Immigration EO Comments

(b) (5)

[Redacted]

We of course are in a crunch time and we don't know what sort of leeway we have to be making changes. Do we know when this is to be signed? (b) (5)

[Redacted]

From: Gannon, Curtis E. (OLC)
Sent: Friday, January 27, 2017 10:47 AM

duplicate

(b) (6) (OLC)

From: (b) (6) (OLC)
Sent: Friday, January 27, 2017 11:55 AM
To: Hart, Rosemary (OLC)
Subject: RE: Immigration EO Comments
Attachments: 170127 - (b) (5) ... +
OLC.docx

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 11:46 AM
To: (b) (6) (OLC) <(b) (6)>
Subject: RE: Immigration EO Comments

OK. Can you please add to this version.

From: (b) (6) (OLC)
Sent: Friday, January 27, 2017 11:44 AM
To: Hart, Rosemary (OLC) <(b) (6)>
Subject: RE: Immigration EO Comments

(b) (5)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 10:49 AM

duplicate

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 12:01 PM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC)
Cc: (b) (6) (OLC)
Subject: 170127 - (b) (5) ... + OLC (1 27 2017)
Attachments: 170127 - (b) (5) ... + OLC (1 27 2017).docx

After a discussion with Curtis, and working from the clean version that Stewart sent earlier, here are some additional comments. We are suggesting (b) (5), and are also recommending some modest changes reflecting (b) (5).

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 12:56 PM
To: Gannon, Curtis E. (OLC); Hart, Rosemary (OLC)
Subject: FW: (b) (5); EO
Attachments: 170127 - (b) (5) (27 Jan 1249pm).docx

Just received this.

-----Original Message-----

duplicate

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 1:00 PM
To: Gannon, Curtis E. (OLC); Hart, Rosemary (OLC)
Subject: FW: NEW language for Sec. (b) (5) & (b) (6)
Attachments: Redline of latest (b) (5) .docx

And now (b) (5) . See below, which also addresses (b) (5) For what it is worth, I'm attaching a redline comparing the latest to our most recent passback.

(b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 1:35 PM
To: (b) (6) (OLC); Stewart, Scott (OLC); Gannon, Curtis E. (OLC)
Subject: FW: (b) (5); EO
Attachments: 170127 - (b) (5) (27 Jan 1249pm).docx

Looping in (b) (6).

-----Original Message-----

From: Stewart, Scott (OLC)

Sent: Friday, January 27, 2017 12:56 PM

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 1:43 PM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC); (b) (6) (OLC)
Subject: 170127 - (b) (5) (27 Jan 1249pm) + OLC (1 27 2017)
Attachments: 170127 - (b) (5) (27 Jan 1249pm) + OLC (1 27 2017).docx

One nit (b) (5) and two nits and a suggestion (that can be disregarded) in (b) (5).

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 1:45 PM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC); (b) (6) (OLC)
Subject: 170127 - (b) (5) s (27 Jan 1249pm) + OLC (1 27 2017)
Attachments: 170127 - (b) (5) (27 Jan 1249pm) + OLC (1 27 2017).docx

Two nits

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 1:47 PM
To: Gannon, Curtis E. (OLC); Hart, Rosemary (OLC); [REDACTED] (b) (6) (OLC)
Subject: FW: 170127 - [REDACTED] (b) (5)
[REDACTED].POLICYCLEARED (NSC)
Attachments: 170127 - [REDACTED] (b) (5)
[REDACTED].TOWHCO2.docx

Here's Protecting the Nation, with a note about one outstanding issue.

-----Original Message-----

(b) (5)

(b) (5)

(b) (5)

(b) (6) (OLC)

From: (b) (6) (OLC)
Sent: Friday, January 27, 2017 1:53 PM
To: Stewart, Scott (OLC); Gannon, Curtis E. (OLC); Hart, Rosemary (OLC)
Subject: RE: 170127 - (b) (5)
(b) (6).POLICYCLEARED (NSC)

The email thread seems to be about (b) (5) but neither the change discussed below nor (b) (5) seem to be legal issues.

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 1:47 PM

duplicate

duplicate

duplicate

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 2:08 PM
To: Stewart, Scott (OLC); Gannon, Curtis E. (OLC); [REDACTED] (b) (6) (OLC)
Subject: RE: 170127 - [REDACTED] (b) (5)
[REDACTED].TOWHCO3

So maybe they made a decision on [REDACTED] (b) (5)

[REDACTED] (b) (5)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 2:03 PM
To: Hart, Rosemary (OLC) <[REDACTED] (b) (6)> Gannon, Curtis E. (OLC) <[REDACTED] (b) (6)>
[REDACTED] (b) (6) (OLC) <[REDACTED] (b) (6)>
Subject: FW: 170127 - [REDACTED] (b) (5);.TOWHCO3

Unclear whether this is different, but maybe it addresses the outstanding issue.

-----Original Message-----

[REDACTED] (b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 2:16 PM
To: Gannon, Curtis E. (OLC); Stewart, Scott (OLC); (b) (6) (OLC)
Subject: F&L Protecting the Nation EO 1 27 2017
Attachments: F&L Protecting the Nation EO 1 27 2017.docx

Here is the new form and legality, with (b) (5), plus (b) (5).

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 2:56 PM
To: Gannon, Curtis E. (OLC)
Subject: RE: OLC fix on (b) (5)

I didn't catch that, either.

From: Gannon, Curtis E. (OLC)
Sent: Friday, January 27, 2017 2:36 PM
To: Hart, Rosemary (OLC) <(b) (6)>
Subject: RE: OLC fix on (b) (5)

(b) (5)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 2:36 PM
To: Gannon, Curtis E. (OLC) <(b) (6)>
Subject: RE: OLC fix on (b) (5)

Good result!

From: Gannon, Curtis E. (OLC)
Sent: Friday, January 27, 2017 2:35 PM
To: Hart, Rosemary (OLC) <(b) (6)>
Subject: FW: OLC fix on (b) (5)

FYI

(b) (5)

(b) (5)

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 3:23 PM
To: Hart, Rosemary (OLC)
Subject: FW: 170127 - [REDACTED] (b) (5)
[REDACTED].TOWHCO3
Attachments: 170127 - [REDACTED] (b) (5)
[REDACTED].TOWHCO3.docx

-----Original Message-----

(b) (5)

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 3:30 PM
To: Stewart, Scott (OLC); Gannon, Curtis E. (OLC); [REDACTED] (b) (6) (OLC)
Subject: 170127 - [REDACTED] (b) (5)
[REDACTED].TOWHCO3 + OLC (1 27 2017)
Attachments: 170127 - [REDACTED] (b) (5)
[REDACTED].TOWHCO3 + OLC (1 27 2017).docx

Our edits highlighted in the attached.

Hart, Rosemary (OLC)

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 3:31 PM
To: Stewart, Scott (OLC); Gannon, Curtis E. (OLC)
Subject: RE: OLC fix on (b) (5)

Got it. Incorporated and sent to you both.

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 3:23 PM
To: Hart, Rosemary (OLC) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)>
Subject: RE: OLC fix on (b) (5)

Done, under separate cover.

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 3:21 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>
Subject: RE: OLC fix on (b) (5)

I have that. But the pages that Scott just brought me with your two edits is not the version I had put my edits in.

Scott: Could you please send me what you believe is the latest?

Thanks,
Rosemary

From: Gannon, Curtis E. (OLC)
Sent: Friday, January 27, 2017 3:17 PM
To: Stewart, Scott (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>
Subject: FW: OLC fix on (b) (5)
Importance: High

[The substantive edit is in John's email below.](#)

duplicate

duplicate

Gannon, Curtis E. (OLC)

From: Gannon, Curtis E. (OLC)
Sent: Friday, January 27, 2017 4:11 PM
To: (b) (6) (OLC); Hart, Rosemary (OLC); Stewart, Scott (OLC)
Cc: Stewart, Scott (OLC)
Subject: RE:

I had the same reaction to (b) (5). But that draft didn't yet reflect our substantive comment on (b) (5).

-----Original Message-----

From: (b) (6) (OLC)
Sent: Friday, January 27, 2017 4:09 PM
To: Hart, Rosemary (OLC) <(b) (6)> Stewart, Scott (OLC) <(b) (6)>; Gannon, Curtis E. (OLC) <(b) (6)>
Cc: Stewart, Scott (OLC) <(b) (6)>
Subject: RE:

It did not seem problematic to me.

-----Original Message-----

From: Hart, Rosemary (OLC)
Sent: Friday, January 27, 2017 4:09 PM
To: Stewart, Scott (OLC) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)>
Cc: Stewart, Scott (OLC) <(b) (6)> (b) (6) (OLC) <(b) (6)>
Subject: RE:

Someone has added (b) (5).

-----Original Message-----

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 3:54 PM
To: Gannon, Curtis E. (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>
Cc: Stewart, Scott (OLC) <(b) (6)>
Subject: FW:

Here is a compare showing (b) (5). We got these in the midst of reviewing a version. Rather than again re-start, I decided that it would be best to edit what we had and to review these when the WH sends us back the next turn.

-----Original Message-----

(b) (5)

(b) (5)

Stewart, Scott (OLC)

From: Stewart, Scott (OLC)
Sent: Friday, January 27, 2017 5:02 PM
To: Gannon, Curtis E. (OLC); Hart, Rosemary (OLC)
Cc: Stewart, Scott (OLC)
Subject: FW: TO PRINT: (b) (5)
Attachments: 170127 - (b) (5)
(b) (5).TOWHCO5.docx; Redline of Protecting the Nation 500 pm.docx

Final version of Protecting the Nation in clean and in a redline that I generated. (b) (5)

-----Original Message-----

(b) (5)



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

January 27, 2017

MEMORANDUM

**Re: Proposed Executive Order Entitled, “Protecting the
Nation from Foreign Terrorist Entry into the United States”**

The attached proposed Executive Order was prepared by the Domestic Policy Council and forwarded to this Department for review with respect to form and legality.

The Order would direct a range of executive branch actions designed to ensure that foreign nationals who are approved for admission to the United States do not intend to harm Americans and have no ties to terrorism. Following is a description of several of the actions directed under the Order.

The proposed Order would require the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, to determine the information needed from other countries to adjudicate visas, admissions, or other benefits under the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 1101 *et seq.* It would then direct the Secretary of State to request that other countries provide such information within 60 days. The Order would direct the Secretary of Homeland Security to submit to the President a list of the countries that do not provide such information for inclusion in a presidential proclamation generally prohibiting the entry of nationals from those countries. The Order would also suspend the entry of immigrants and non-immigrants from countries referred to in section 217(a)(12) of the INA, subject to case-by-case exceptions.

The Order would also direct the Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation to develop uniform screening standards and procedures to identify individuals seeking to enter the United States on a fraudulent basis or with the intent to cause harm, or who are at risk of causing harm after admission.

In addition, the Order would direct the Secretary of State to suspend the U.S. Refugee Admissions Program (“USRAP”) for 120 days, subject to case-by-case exceptions. During that 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, would determine what additional procedures can be taken to ensure that refugees who are approved for admission do not pose a threat to the security and welfare of the United States. Pursuant to section 212(f) of the INA, the President would proclaim that the entry of Syrian refugees, and the entry of more than 50,000

refugees in fiscal year 2017, would be detrimental to the interests of the United States and would suspend such admissions.

The proposed Order is approved with respect to form and legality.

A handwritten signature in black ink, appearing to read "Curtis E. Gannon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Curtis E. Gannon
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

January 27, 2017

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States." This proposed Order was prepared by the Domestic Policy Council and forwarded to this Department for review of its form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully,

A handwritten signature in black ink that reads "Curtis E. Gannon".

Curtis E. Gannon
Acting Assistant Attorney General

Executive Order—Protecting the Nation from Foreign Terrorist Entry into the United States

EXECUTIVE ORDER

PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. *Purpose.* The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including “honor” killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. *Policy.* It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the

admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. *Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern.* (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) 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.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. *Implementing Uniform Screening Standards for All Immigration Programs.*

(a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. *Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.*

(a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.

Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest—including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship—and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) 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 in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the

placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. *Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility.* The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. *Expedited Completion of the Biometric Entry-Exit Tracking System.* (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. *Visa Interview Security.* (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. *Visa Validity Reciprocity.* The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. *Transparency and Data Collection.* (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.