

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
LINDSEY O. GRAHAM, SOUTH CAROLINA	PATRICK J. LEAHY, VERMONT
JOHN CORNYN, TEXAS	RICHARD J. DURBIN, ILLINOIS
MICHAEL S. LEE, UTAH	SHELDON WHITEHOUSE, RHODE ISLAND
TED CRUZ, TEXAS	AMY KLOBUCHAR, MINNESOTA
BEN SASSE, NEBRASKA	AL FRANKEN, MINNESOTA
JEFF FLAKE, ARIZONA	CHRISTOPHER A. COONS, DELAWARE
MIKE CRAPO, IDAHO	RICHARD BLUMENTHAL, CONNECTICUT
THOM TILLIS, NORTH CAROLINA	MAZIE HIRONO, HAWAII
JOHN KENNEDY, LOUISIANA	

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

February 2, 2017

The Honorable Rex W. Tillerson
Secretary
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Tillerson:

On November 22, 2016, and again on December 6, 2016, I wrote to then Secretary of Homeland Security Jeh Johnson and Secretary of State John Kerry about an alleged agreement signed between the U.S. and Australia authorizing the United Nations High Commissioner for Refugees to refer roughly 1,300 refugees for resettlement to the United States.¹²

Under the agreement, signed by the Obama Administration without consulting Congress, the United States reportedly agreed to admit these refugees, who Australia refused to admit and who are currently being held in detention facilities in Papua New Guinea and Nauru. My staff was informed by your Department in a briefing that the refugees were from various countries, including Iran, Pakistan, Afghanistan, Somalia, Sri Lanka, and Sudan.

After a classified briefing about the agreement that was provided to Senate and House Judiciary Committee staff in December of 2016, it became apparent that there was no reason for the agreement to be classified, and I and House Judiciary Committee Chairman Goodlatte subsequently called for its declassification. The Department of Homeland Security defers to the Department of State on declassification of the agreement and, for its part, the State Department has yet to commit to declassification. Therefore, I renew my request with your Department to declassify this agreement so that the American people can read it. As I said before, the American people have a right to be fully aware of the actions of their government regarding foreign nationals who may be admitted to the United States. American taxpayers not only foot

¹ *White House blasts 'horrible' Obama-era Refugee Deal with Australia – But May Honor It*; Fox News, Feb. 2, 2017, available at <http://www.foxnews.com/politics/2017/02/02/white-house-blasts-horrible-obama-era-refugee-deal-with-australia-but-may-honor-it.html>

² Letter from Charles E. Grassley, Chairman, U.S. Senate Comm. on the Judiciary, and Bob Goodlatte, Chairman, House Comm. on the Judiciary, to John Kerry, Secretary, U.S. State Department (Nov. 22, 2016); Letter from Charles E. Grassley, Chairman, U.S. Senate Comm. on the Judiciary, and Bob Goodlatte, Chairman, House Comm. on the Judiciary, to John Kerry, Secretary, U.S. State Department (Dec. 6, 2016).

the bill for the majority of the refugee resettlement in the United States, but they bear any consequences regarding the security implications of those admitted to our country.

Therefore, I urge you to declassify this agreement. If your decision is not to seek declassification, please include your justification for such a decision in your response.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Chairman
Senate Committee on the Judiciary