

United States Senate
WASHINGTON, DC 20510

October 2, 2018

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Secretary:

We write to express our profound disappointment with your decision to obligate and transfer State Department funds to the Department of Homeland Security to pay for the deportation of up to 17,000 migrants from Mexico to third countries, despite multiple congressional objections.

We find this use of FY 2017 funds to be unnecessary, strategically ill-advised, and contrary to long established practice. We have seen the Government of Mexico's September 13th statement that it has not agreed to carry out the Trump Administration's proposed deportation program, and we suspect that President-elect Lopez Obrador is unlikely to be more amenable to cooperating with the United States on this initiative. We were also troubled by the late submission of, and lack of clarity and specificity in, the congressional notification of the proposed transfer, which was submitted without prior consultation despite the unprecedented nature of the proposal, and the State Department's inability to answer basic factual questions about the notification during meetings with our staff.

The decision redirects scarce departmental resources needed to address critical humanitarian crises, support democracy and the rule of law, and address development needs that are important to U.S. national security and prosperity, to support a short-sighted approach to the migrant problem that will likely fail to achieve even its own ostensible goals while potentially running afoul of international law.

In addition to our concerns regarding the substance of the proposed transfer, we are deeply troubled that in obligating these funds without first resolving congressional objections you have decided to act contrary to years of practice and precedent, and in a manner that threatens to upend long-standing norms of comity between the Department of State and its oversight committees in Congress. Although these practices can, in rare instances, create friction between the executive and the legislative branches, they have served both branches of government well for decades under Republican and Democratic control, resulting in more effective outcomes for U.S. foreign policy.

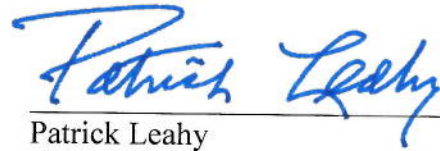
Without further clarification and appropriate action by you to resolve this matter, the decision you have made will leave us with no alternative but to consider all of our legislative and oversight options to assure that Congress is able to fulfill its constitutionally-mandated responsibilities.

We look forward to hearing from you without delay, and to finding common ground on a way forward.

Sincerely,



Robert Menendez
Ranking Member
Committee on Foreign Relations



Patrick Leahy
Vice Chairman
Committee on Appropriations